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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 3rd meeting

Held at Headquarters, New York, on Tuesday, 3 October 2017, at 3 p.m.

Chair: Mr. Ramírez Carreño (Bolivarian Republic of Venezuela)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 3 p.m.

Agenda item 58: Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations (*continued*) (A/72/23 (chaps. V and XIII) and A/72/62)

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1. **Ms. Pedros Carretero** (Spain) said that the continued status of Gibraltar as the last colony in Europe was all the more lamentable since the administering Power, the United Kingdom, was a Spanish ally in many other areas. Under the Treaty of Utrecht, Spain had ceded to the United Kingdom only the town and castle of Gibraltar, together with its port, fortifications and forts, without ceding Territorial waters or Territorial jurisdiction. Yet, ignoring the terms of that Treaty, the United Kingdom had illegally occupied the isthmus and surrounding waters. The British occupation was contrary to international law and violated the integrity of Spanish territory; therefore Spain would continue to request restitution until decolonization had been completed.

2. The General Assembly and the Fourth Committee had mandated Spain and the United Kingdom to begin negotiations on ending the colonial situation, specifying in a series of resolutions that the decolonization of Gibraltar must be governed by the principle of territorial integrity rather than the principle of self-determination, and setting 1 October 1969 as the deadline for decolonization. Nevertheless, the United Kingdom had often taken steps contrary to decolonization, such as the holding of a referendum on questions of sovereignty in 1967. Fifty years had since

passed, but there was nothing to celebrate given that no progress had been made.

3. The presence of a colony within Spain produced harmful effects beyond the political sphere. Gibraltar's special tax regime distorted the region's economy to the detriment of the Treasuries of Spain and the European Union, and the unfair advantage it provided to the economy of the Rock gave rise to dangerous organized crime specialized in transborder smuggling of tobacco. The Gibraltar authorities should use some of their considerable wealth to protect the environment by building a sewage treatment plant, rather than discharging sewage into the sea.

4. Spain had nevertheless consistently remained open to dialogue and the previous year had formally invited the United Kingdom to open negotiations on a system of joint sovereignty. While Spain would never relinquish its just claim for a definitive solution to the question of Gibraltar in line with the relevant General Assembly resolutions and the Charter of the United Nations, its proposal aimed to increase the socioeconomic well-being of the entire region, and particularly of Spaniards working in Gibraltar and Campo de Gibraltar. Spain was trying to reach an agreement with the United Kingdom in order to implement a new regional cooperation scheme that would improve the daily lives of inhabitants on both sides of the border. That mechanism, unlike the defunct "Trilateral Forum", would include the participation of local and regional Spanish authorities, in addition to Spain, the United Kingdom and the Gibraltar authorities.

5. Lastly, Spain would defend the interests of the Spaniards in Campo de Gibraltar, the Spanish district adjacent to the Rock, who were most affected by the problems arising from the colonial situation.

Agenda item 62: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of representatives of Non-Self-Governing Territories and petitioners

6. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and petitioners would be invited to take a place at the petitioners' table, and all would withdraw after making their statements.

Question of French Polynesia (A/C.4/72/2)

7. **Mr. Fritch** (President of French Polynesia) said that the Pacific Islands Forum, which was in the best position to assess the institutional and political situation of his country, had unanimously voted to admit French Polynesia as a full member. It followed that it was an autonomous country not under colonial domination.

8. Accordingly, the current draft resolution on French Polynesia should also recognize that it was self-governing. He strongly objected to the reference in paragraph 6 to a highly questionable self-governance assessment prepared, in fact, by a petitioner in the pay of a Polynesian pro-independence party. Such bias towards 'liberation theories', rather than respecting the will of the people expressed through democratic processes, was also reflected in the approach of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee on decolonization). Nevertheless, the people of French Polynesia did not wish to be guinea pigs for ideological clashes, their priority was development, and 70 per cent of the population had voted for self-government candidates rather than for proponents of independence. They counted on the United Nations to hear their voice.

9. In view of French Polynesia's limited means, there was no shame in its turning to a major country such as France for support. In March 2017 the two countries had signed a 15-year development agreement and the fact that French Polynesia had entrusted the spheres of security and justice to France was an example of pragmatic cooperation, not "colonialism by consent".

10. Furthermore, France had acknowledged the effects of the nuclear testing carried out in French Polynesia and, for the last twenty years, had paid \$180 million per year in compensation. Those funds had made several infrastructure projects possible.

11. Despite what the pro-independence petitioners speaking after him might say, French Polynesia was a democratic country under true rule of law.

12. **Mr. Oscar Temaru** (Chair, Tavini Huiraatira No Te Ao Maohi party and Mayor of Faa'a, Tahiti) said that colonialism was alive and well in French Polynesia but had been disguised to such a degree that it was actually being defended by the elected government. Since the Territory was supposedly self-governing, France was no longer required to abide by the rules applying to administering Powers; it could

simply rely on a surrogate representative to justify the arrangement before the United Nations. The international community would, however, not be fooled and the Ma'ohi people wanted to exercise their right to self-determination. Replying to a question from **Mr. Bessedik** (Algeria), he said that France had been well aware of the health effects of nuclear testing, and therefore its decision to perform such tests in the Territory was a premeditated crime against humanity for which the Ma'ohi Protestant Church was planning to take legal action against France before the International Criminal Court. Compensation was too late and inadequate. In addition, the French Government, rather than the local inhabitants, was gaining tax revenue from infrastructure projects purportedly funded by such compensation, such as the international airport of Tahiti.

13. **Mr. Geros**, (Chair, Union pour la démocratie party), said that the Polynesian President's statement was an attempt to defend an indefensible dependency system which was no more than an illusion of autonomy. The administering Power controlled the most important spheres of government, especially those that generated revenue, and the few spheres which had been delegated to the Territorial government could be reclaimed by the administering Power at any time. The local government did not even have authority over the outer islands within its territory. In addition, France had not complied with the requirement, under article 72 of the French Constitution, to provide adequate funding when new government functions were transferred. Article 73 went on to enumerate the core functions that would never be transferred; with the result that only independence would allow the elected Polynesian government to exercise full powers freely. Responding to a question posed by **Mr. Esoto** (Nicaragua), he said that the French Parliament had unilateral power over the transfer of any functions even though the Territory had representatives in that body.

14. **Ms. Tevahitua** (Association Te Vahine Maohi No Manotahi), endorsing the two preceding statements, said that France controlled the local electoral system and, since a sovereign French Polynesia would not be in the best interest of France, that system had been designed to ensure that an accommodationist government remained in power. France had previously indicated that it could not fund the management of further government functions, yet the large sums of revenue France collected from French Polynesia far exceeded the cost of such management. Thus, if the transfer of real power were to take place, French Polynesia would be capable of funding its

self-government from its local economy. The current situation made a mockery of true autonomy.

15. **Mr. Stanley Cross**, speaking in his personal capacity as a member of the legal profession in Papeete, said that France continued to control the natural resources of the Territory and that the financial arrangements between France and French Polynesia did not protect the interests of local inhabitants. That violated international law and had rendered the Polynesian people dependent on the administering Power. Conversely, France gained income and geopolitical influence from controlling 5 million square miles of ocean that rightfully belonged to French Polynesia, and consequently ranking as the world's second greatest maritime Power.

16. **Mr. Tetuahau Temaru** (Deputy Mayor of Faa'a) said that significant quantities of cobalt, platinum, manganese and other rare earth elements had been found in French Polynesia and that exploitation of those seabed resources would be highly profitable. There were concerns regarding the environmental impact of extraction, yet under French law the administering Power had unilateral authority to exploit all strategic raw materials. Furthermore, the French Government collected large amounts of revenue by taxing French Polynesian airspace and airports.

17. **Ms. Valentina Cross** (Member, City Council of Teva I Uta), said that the accommodationist government of French Polynesia should be commended for finally having visited the United Nations, even if they represented the interests of the administering Power, rather than those of the local people. She called for clarity regarding the procedures of the United Nations in order to explain why no tangible changes had been achieved since the General Assembly had re-inscribed French Polynesia on the list of Non-Self-Governing Territories in 2013. Little would be accomplished by continuing to debate whether the Territory was self-governing. Instead, she called on the international community to give effect to the recommendations of the General Assembly.

18. **Ms. Galenon** (Association Vahini Piri Rava, Tahiti) said that French Polynesia as a dependent Territory had been exploited strategically by France in order to conduct nuclear testing there once such tests could no longer be conducted in Algeria following the latter's independence. The nuclear testing programme had had enormous health, economic and other consequences for French Polynesians and the entire Pacific region.

19. The accommodationist government of the Territory argued that a newly signed agreement with

the French Government on the issue had established goodwill, since France had finally recognized the plight of its nuclear-testing victims. Her association was not impressed with the agreement, however, which came with few real commitments to reparations, merely modifying slightly the failed and totally inadequate compensation offers that had been made several years earlier. The agreement did not constitute an apology for the crimes perpetrated, and also failed to address the environmental damage caused by testing or the radioactive waste clean-up that was necessary.

20. **Mr. Chailloux** (Professor at the University of French Polynesia) said that a legitimate, comprehensive compensation programme was required for the victims of nuclear testing and their families in French Polynesia. In 2004, the Assembly of French Polynesia had passed a resolution quantifying nuclear-testing compensation. Although the resolution had been submitted to the United Nations, it had never been distributed to Member States; and none of the Committee's resolutions on French Polynesia had made reference to it, even though Assembly had revealed the inconvenient truth of nuclear testing and the role of the administering Power and its proxy government in the Territory. He placed little faith in the acknowledgement of testing by the administering Power, which continued to evade responsibility for its actions. The accommodationist Territorial government was being duped by its benefactor when it tried to make the case that its current course of action would lead to credible compensation for victims and their families.

21. **Mr. Taerea** (Association Bleu Djeun's No Maohi Nui) said that military activities such as nuclear testing impeded the implementation of the Declaration on decolonization. As stipulated in General Assembly decision 57/525, military activities and arrangements by colonial Powers in Territories under their administration ran counter to the rights and interests of the colonial peoples concerned, especially their right to self-determination, and the administering Powers must thus terminate them, while creating alternative sources of livelihood for the indigenous people, to replace the false military economic model.

22. In particular, the decision had clearly stated that Territories and adjacent areas must not be used for nuclear testing, dumping nuclear waste or deploying nuclear weapons and other weapons of mass destruction. Yet France had continued to dump nuclear waste held over from its testing period on several atolls in French Polynesia, and had moreover refused to engage in any meaningful clean-up.

23. **Ms. Teura** (Member, City Council of Tumaraa) said that the administering Power had wilfully concealed vital information regarding the effects of nuclear testing on French Polynesia. The shameful restriction of information on the true impact of nuclear testing was evidenced by the fact that the Pacific Islands Forum, in its 2017 report, had not mentioned the issue of nuclear testing in French Polynesia, even though it referred to the identical struggle for nuclear-testing compensation in the Marshall Islands. It was no coincidence that the government of French Polynesia had become a full member of the Pacific Islands Forum during the reporting period, as colonial surrogacy still primarily served the interests of an administering Power that refused to comply with Article 73 *e* of the Charter. On the contrary, the administering Power appeared to be working behind the scenes to block the dissemination of any information that might expose its violations of human rights and international law with regard to French Polynesia.

24. **Mr. Maamaatuaiahutapu** (Taaretu Tourist Bureau of Faa'a), said that the two reports of the Secretary-General on the environmental, ecological, health and other impacts as a consequence of the 30-year period of nuclear testing in the Territory (A/69/189 and A/72/74) were wholly inadequate and failed to assess the impact of nuclear testing on the people of French Polynesia, who were still waiting for reparatory justice. The reports had reflected the limited information available within the United Nations system, but had ignored other relevant reports on the effects of atomic radiation. New reports must be more comprehensive, continuously updated and consistent with the commitment to decolonization expressed by the Secretary-General in his address to the organizational session of the Special Committee in February 2017.

25. Given the grossly inadequate United Nations information provided, the Committee must avail itself of information from sources outside of the United Nations system and circulate them as official documents, including the 2014 independent scientific report by a French scientist on French nuclear testing in French Polynesia.

26. **Ms. Estall** (Association amicale des travailleurs de la mairie de Faa'a), said it was unsurprising that pro-French members of the Territorial government periodically resurrected General Assembly resolution 2625 (XXV) of 1970, which included, in addition to the recognized political status options of independence and free association or integration with an independent State, the additional option of "any other political status freely determined by the people"; their aim

being to grant legitimacy to French Polynesia by claiming it possessed autonomy, whereas it remained a Non-Self-Governing Territory.

27. The United Nations position on the question of French Polynesia had evolved: it had placed it on the list of Non-Self-Governing Territories in 1946, but France had declared the following year that it was no longer a colony but a French overseas territory. It was only years later that the United Nations would decide that an administering Power or its proxies could not remove a Territory from the list, and that such a change had to be confirmed by the General Assembly after a thorough review of the political status arrangement. The 2013 resolution to reinstate French Polynesia as a Non-Self-Governing Territory had therefore been the correct decision.

28. **Mr. Brotherson** (French Polynesian Deputy to the National Assembly of France) said that General Assembly resolution 1541 (XV) had established that free association with an independent state represented a full measure of self-government, provided the people of the Territory in question had the freedom to modify its political status by democratic means and to determine its internal constitution without outside interference by the State in question. Under its so-called autonomy status, French Polynesia did not possess either of those abilities.

29. Affirming that the principles of equal rights and self-determination were significant contributions to contemporary international law, General Assembly resolution 2625 (XXV) had subsequently identified three options for self-determination — independence and free association or integration with an independent State — to which it had added "any other political status freely determined by the people" as another mode of implementing the right to self-determination. It was not true that the people of French Polynesia had freely chosen to remain associated with France: the Territory had not chosen to be annexed after wars, or to become a playground for nuclear testing, or to be exploited for its phosphates.

30. The French Government had been in denial since French Polynesia had been re-listed in 2013 as a Non-Self-Governing Territory, using outdated arguments about the United Nations interfering in its internal affairs that had previously been used when Algeria had struggled to become independent in the 1960s. In fact, the French delegation often left the room when French Polynesia was being discussed. However, President Macron had recently given a powerful and inspired speech describing colonialization as a crime against humanity, which

suggested that the time had perhaps come for France to re-enter genuine multilateral discussions to ensure the self-determination of French Polynesia.

31. **Mr. Tuheiava** (Member of the Assembly of French Polynesia) said that an expert analysis conducted for the Chair of the Special Committee in 2006 had determined that the option of choosing "any other political status" under General Assembly resolution 2625 (XXV) offered a mode of implementing the right to self-determination, but did not indicate that the particular political choice guaranteed that the goal of self-determination had been achieved. It was recognized as a transitional measure to full self-governance. The expert analysis had also concluded that resolution 2625 (XXV) had never been intended to legitimize political dependency models that did not provide for a full measure of self-governance.

32. Pacific island States were urged to reject all hegemonic views seeking to confine them both physically and psychologically. The current accommodationist government of French Polynesia served as the mouthpiece of an administering Power that ignored its international legal responsibilities under the Charter of the United Nations. The Organization was urged to take action expeditiously and to implement its five resolutions on French Polynesia, while adopting the draft resolution on French Polynesia before it by consensus.

33. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) asked what the petitioners expected in terms of specific short- and medium-term actions from the United Nations that could contribute to decolonization.

34. **Mr. Tuheiava** said that a political education programme should be implemented to help the people understand that only three options were available for the exercise of self-determination: independence, free association or full integration. There was no fourth or "additional" option, which their accommodationist government, through its arrangement with the colonial Power, had falsely portrayed during elections as setting them on the path to self-determination.

35. **Mr. Corbin** (Dependency Studies Project) said that contemporary colonialism was the unfinished business of the United Nations, requiring solutions that were based on the established standards of self-governance recognized by its relevant resolutions. General Assembly resolution 67/265 had concluded that French Polynesia was a Non-Self-Governing Territory, a conclusion that had been reinforced by subsequent resolutions stating that the status of the Territory was characterized by the administering

Power's wielding unilateral control over most government functions. The Territory fell quite short of meeting the criteria for self-determination, and internal reforms did not constitute decolonization. Without a thorough United Nations examination, the organizing of visiting missions, the provision of political status education and a substantive review of existing dependency arrangements, and in the absence of a case-by-case review and other warranted actions, the decolonization process would continue to be delayed.

36. A method of work should be introduced that emphasized implementation and ensured accountability. Since the Territory had been re-listed, its administering Power had transmitted no information and was thus in clear violation of Article 73 *e* of the Charter. It had furthermore refused to cooperate with the Special Committee regarding examination of the Territory. Despite such actions, the administering Power had never been held to account. Debate was thus relegated to the expression of competing opinions, including arguments for the legitimization of the Non-Self-Governing status that would circumvent the mandate of the United Nations. Colonialism was not subject to debate: the reality was that French Polynesia was not self-governing, and dependency governance was not democratic governance. Genuine forms of autonomy, such as Greenland with Denmark and the Cook Islands with New Zealand, should be studied as models.

37. Replying to a question from **Mr. Esioto** (Nicaragua) regarding the implementation of the General Assembly resolutions on French Polynesia to date, he said that implementation had always been the Achilles heel of all decolonization resolutions. Accountability was needed, as well as reports outlining what actions the United Nations system had been asked to take but had not yet completed.

38. **Mr. Chan** (Association 193) said that his organization had started a 2016 petition for a local referendum on nuclear issues and had received 53,500 signatures thus far. However, there had been no reaction from political leaders given the climate of false democracy that prevailed in French Polynesia.

39. Rather than dwelling on the mistakes of the past, he hoped that the great nation of France would choose to listen to what the Polynesian people had to say about the impact of the 193 nuclear tests conducted on their land. Discussion about the impact of nuclear testing had long been taboo, to the point that the subject had not been mentioned during the recent adoption of the United Nations Framework Convention on Climate Change in Paris. Despite a lack of knowledge amongst

young Polynesians about that sad episode of their history, the entire country had been contaminated and the Mururoa Atoll in particular was crumbling and breaking apart. Six hundred new cancer cases were detected per year, leading to 300 deaths per year, in a population of fewer than 300,000 inhabitants. And yet the French Government had come once again to proclaim that all was well. France had poisoned the Polynesians and committed crimes against humanity. There was evidence that the French Government had been fully aware of the consequences of nuclear testing and nonetheless used Polynesians as guinea pigs.

40. The forgotten victims of his country therefore demanded justice and reparation. France must bear the health-care costs for any injuries it had caused. Association 193 believed that a local referendum on the nuclear tests could prompt France to acknowledge its responsibility.

Question of Gibraltar (A/C.4/72/3)

41. **Mr. Picardo** (Chief Minister of Gibraltar) said that fifty years earlier, the people of Gibraltar had voted in a referendum organized by its administering Power, choosing to remain British by an overwhelming 99 per cent majority. Although the Spanish Government at the time had deemed the referendum illegal, the United Kingdom had in fact been advancing the right to self-determination in accordance with the principles of the Charter and the relevant General Assembly resolutions. The referendum generation had faced down the Franco dictatorship, giving rise to a modern, democratic European nation that was a proud member of the British family of nations. Gibraltar remained British exclusively as a result of the free and fair choice of its people. In 2002, Gibraltar itself had organized a referendum, on whether or not to accept an offer of joint sovereignty with Spain. The Spanish Government had again ruled that the referendum was illegal and the people had once again voted overwhelmingly in favour of remaining entirely British. Although the United Kingdom had also opposed that referendum, it had exerted no violence or political pressure to stop the vote.

42. The environment of peaceful co-existence and respect in which both referendums had taken place was reflective of life in Gibraltar and the country's relationship to the United Kingdom. Gibraltar was a law-abiding community of wide cultural, religious and social diversity that respected the rules-based system of international law and complied with its obligations as a member of the international community. Gibraltar therefore complied with all international criteria on prudential supervision, transparency and exchange of

information in the field of financial services, as well as with the rules regarding the exchange of tax information and fiscal transparency outlined by the Organization for Economic Cooperation and Development. Gibraltar exchanged tax information with 104 countries and had similarly offered to do so with Spain. However, the Spanish Government did not recognize the existence of Gibraltar and had therefore refused to sign the tax agreement.

43. Spain was not complying with the Charter when it failed to respect the rights of the people of Gibraltar to freely determine their status. However, his Government appreciated the recent statements made by Spain explaining that it would not seek to use the departure of the United Kingdom from the European Union to advance their sovereignty claims, and that any offer of joint sovereignty with Spain could be applied only with the consent of the Gibraltarian people. His country had rejected that offer before and would continue to do so, but would, however, continue to tender the olive branch of cooperation to the people of Spain. Even though it would leave the European Union alongside the United Kingdom, Gibraltar sought to maintain a strong relationship of trade, friendship, cooperation and security with Spain and Europe based on mutual respect and economic benefit. His Government was ready to work with Spain on matters that would not compromise its sovereignty, jurisdiction or control.

44. It was important to recognize that 7,000 cross-border workers came to Gibraltar from Spain every day and significantly contributed to the country's success. They and all others who crossed what would become an international border must be able to continue to cross freely once Gibraltar had left the European Union. The people of Gibraltar did not respond well to threats regarding such matters and would never give up their right to sovereignty. It was British and would stay British.

45. **Mr. Buttigieg** (Self-Determination for Gibraltar Group) said that the referendum generation that had voted in 1967 to remain British had made its choice fully cognizant of the hardships that would follow. Spain had unilaterally closed its border with Gibraltar and launched a political siege that had separated families and impeded the flow of food and other essential supplies. Although it could have been argued that those actions had been those of a fledgling democracy, the recent actions taken by the Spanish Government against its own people challenged that notion.

46. Gibraltar had held a second referendum in 2002 and had once again voted overwhelmingly in favour of the British option. Spain nonetheless continued to refuse to acknowledge the reality of a whole nation, merely repeating the same stale and undemocratic claims. Gibraltar could not trust a country that had isolated it from the world and strangled it politically and economically for over a decade just because it had had the temerity to hold a referendum. How could a nation be trusted when it sent out anti-riot vehicles and paramilitary forces against its own people merely because they were exercising their right to choose? Aside from its mistrust of Spain, Gibraltar was steadfast in its desire to remain British.

47. He urged the Committee to act more decisively on the issue of Gibraltar and to inform it of the steps that were necessary to achieve de-listing. A United Nations visiting mission must be sent to Gibraltar. By failing to take such actions, the United Nations emboldened Spain to continue with its antagonistic attitude. The people of Gibraltar would never yield to coercion and would never surrender: they would never give up their right to self-determination and democratic freedom.

Question of Guam (A.C.4/72/4)

48. **Mr. Baza Calvo** (Governor of Guam), sharing the story of his great-grandfather and his vision of self-governance for the Chamorro people, said that the people of Guam had been loyal to the United States: he wondered when they would be considered as equals and given the same rights as its other citizens, instead of being viewed as second-class citizens.

49. Guam experienced a number of difficulties on account of its Territorial status. For example, unfunded mandates like the Earned Income Tax Credit and the Compact of Free Association had left the island in debt. Once the United States Government had returned native lands, Guam had passed the Chamorro Land Trust Act to give Chamorro descendants of original inhabitants the opportunity to lease property for a nominal sum. In October 2017, however, the United States Department of Justice had filed a lawsuit, arguing that giving back land to its rightful Chamorro owners violated the Fair Housing Act – a law designed to protect American citizens from discrimination in public housing. It was not clear who then protected the native inhabitants of Guam from being marginalized in their homeland. Since a United States court had ruled that a plebiscite on the political status of the Territory had been unconstitutional because it had limited voting to native inhabitants, Guam was once again at an impasse on the road to self-determination.

50. As the Chairman of the Commission on Decolonization of Guam, he had made decolonization a major government priority for the first time in many years. It was hoped that schools would soon include decolonization in their curricula so that Guamanian students could learn about their right to self-determination. He had recently written to the Special Committee, inviting a visiting mission to the island for the first time since 1979. A visiting mission would shed new light on the island's pursuit for self-determination in the face of new challenges to decolonization and self-governance.

51. The quest for decolonization was not based on any hatred of the United States, nor was it lacking in patriotism. The people of Guam in fact hoped to experience the ideal democracy, liberty, opportunity and equality that were the foundations of the national dream – the same ideals for which many Guamanians had fought as members of the United States Armed Forces.

52. The people of Guam were United States citizens, and yet did they did not enjoy some of the rights that other citizens did, such as the right to vote for the president. Guam had a lengthy history of inequality and arbitrary legislation against its native population. Whatever course the self-determination of Guam might take – relaxing its association with the United States, becoming the fifty-first state or pursuing independence – the people of Guam were currently a part of the United States. It was hoped that Guam would take its next steps towards decolonization before the end of the Third International Decade for the Eradication of Colonialism in 2020.

53. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that his delegation would like to know the Governor's views about the impact on Guam of the presence of the occupying Power's military bases and the threats posed to the island's indigenous Chamorro people by the recent altercation in which the Territory had been involuntarily involved. He also wondered to what extent self-determination might improve the island's situation in such circumstances.

54. **Mr. Baza Calvo** (Governor of Guam) said that the location of Guam had been significant for centuries, as several great Powers had successively coveted possession of the tiny island because of its strategic position. The evolving situation involving the Democratic People's Republic of Korea was merely the latest instance of that phenomenon. Some Guamanians believed that the presence of United States military bases made the island a target, while others considered

that presence an effective form of defence for the island.

55. **Mr. Duhaylonsod**, speaking in his personal capacity, said that as a descendant of the Taotao Latte lineage in Guam, he wished to submit the following recommendations. The United Nations should approve the draft resolution on the question of Guam; send a mission to the Territory and ensure the cooperation of the United States in the decolonization process; condemn the destructive activities proposed by the administering Power throughout the Mariana Islands; urge the return of Guamanian lands to the original landowning families or a just compensation for the lands in agreement with the families; and encourage an election to facilitate a vote on the reunification of the Mariana Islands. Numerous rights in the areas of indigenous natural resources and cultural patrimony, along with many others guaranteed by the United Nations Declaration on the Rights of Indigenous Peoples, had systematically been denied in Guam, but the colonial status of the people had left them powerless to redress that injustice. United States troops had repaid his forebears for their generous sharing of their resources by confiscating ancestral lands only recently recovered by his family, while countless other families had yet to receive any restitution. The rightful heirs were engaged in a struggle to recover them and opposed the United States military's plans to build a firing range, lest their lands suffer the same fate as other territories polluted with unexploded ordnance. Unlike democracies based on a capitalism that supported the voluntary exchange of properties, his people had been subjected to the plundering of their land, the devastation of their environment and the disparagement of their native language, customs and cultural sites.

56. Because the rhetoric of the administering Power had placed Guam in the crosshairs of nuclear weaponry, the island's people faced an uncertain future and doubted that any federal help would be prompt enough or sufficient in the event of a military attack or a natural disaster. Such were the harsh realities of a 21st-century colony.

57. **Ms. Na'puti** (Guahan Coalition for Peace and Justice) said that the number of Non-Self-Governing Territories had actually increased during the Third International Decade for the Eradication of Colonialism. She pleaded with the Committee to take tangible action in support of the exercise by Guam of self-determination and hoped it would adopt the draft resolution on the question of Guam, which condemned the serious, irrevocable damage that would result from

the administering Power's planned construction of facilities and firing ranges for United States Marines.

58. The call for protecting the environment from the effects of militarization echoed her organization's repeated requests for direct assistance to Guam in dealing with ongoing environmental contamination and with environmental monitoring. Decolonization was absolutely crucial for the people and environment of Guam. As the world's worst polluter, the United States Department of Defence had left a toxic legacy throughout the island and the entire region. Meanwhile, the United States was using its so-called environmental protection initiatives to entrench its political control over the Territory, while ignoring the Superfund sites existing there, defined as the most contaminated lands in the United States, and the 95 other toxic sites created on its Territorial military bases.

59. Her generation was in mourning for places it feared would never be cleaned up within its lifetime. Guam's natural resources had been seized, contaminated and destroyed by the military, in violation of General Assembly resolution 57/140, which called upon the administering Power to terminate such activities and to eliminate the remaining military bases. Instead, without the consent of the island's inhabitants, the administering Power was going ahead with plans to destroy over 1,000 irreplaceable acres of limestone forest and contaminate the island's largest source of drinking water.

60. **Mr. Won Pat-Borja** (Independent Guåhan) said that the fear of an imminent nuclear bombing that marked his daily routine, one so different from that of the average United States citizen, was just another painful reminder that Guam was another country's Territory. When the Democratic People's Republic of Korea had announced that it possessed a nuclear missile capable of reaching Guam, officials had done their best to contain panic by reassuring residents that Guam was ready. His people had survived the worst kind of natural disasters, but there was nothing natural about a disaster of that kind. His family found no comfort in the reassurances from the Guam Homeland Security Office of Civil Defence that a nuclear missile would likely miss Guam. The Governor's claim that the United States would protect Guam was equally unconvincing, in the light of the administering Power's actions during World War II, when it had evacuated Americans ahead of the Japanese invasion or, after the war, when it had liberated Guam after dropping nuclear bombs on Japan. President Trump had threatened fire and fury, but there was no solace to be found in the promise of more violence. While the Democratic People's Republic of Korea did not regard the

Chamorro people as a threat, Guam would remain a target as long as it was a military asset to the United States.

61. The horrors of Hiroshima and Nagasaki seemed to have been easily forgotten, as was the fact that the United States was the only country that had ever used a nuclear weapon in war. Although it possessed a nuclear arsenal capable of obliterating the planet, it somehow remained a member of the United Nations while the Organization imposed strict sanctions on the Democratic People's Republic of Korea. Generations of his people had been crossing the ocean to plead their case before the Committee, which had yet to take action. He invited Committee members to go to Guam and witness how its people were dying in another people's wars or of cancer and nuclear radiation, and were held in captivity in United States prisons.

62. **Ms. Leon Guerrero** (Our Islands Are Sacred), speaking also as a member of Independent Guåhan and of the Independence for Guam Task Force, said that peace was as urgent a necessity for her homeland as it had been for the world when the United Nations had been created. In the event of a nuclear conflict, Guåhan (Guam) would be caught in the middle, its people facing genocide. As the grey cloud of war hovered over the island, she was unsure about how to allay her children's fears about their safety. She came before the Committee as a mother determined to protect her children and to be a voice for the people of Guåhan whose calls for peace, preservation of their natural resources and respect for their ancestors had been systematically silenced by colonization. In the name of United States defence, they were told to make way for the military and had been put in harm's way. Composed of nations that had fought for and won their sovereignty, the Committee should use its voice to help her people live in peace and prosperity in their homeland. She endorsed the request by the Governor of Guåhan for a United Nations visiting mission to enable the United Nations to expand its role and engagement with the United States in the island's decolonization process.

63. **Mr. Bevacqua** (Independence for Guam Task Force) said that as the administering Power, the United States had ignored United Nations resolutions calling upon it to refrain from implementing immigration and militarization policies in its Territories that would hinder their decolonization. Guam had been used as a port of entry to the United States since World War II. In that time, tens of thousands of migrants from Asia and other islands in Micronesia had made the island their home and the percentage of Chamorros had dwindled from 90 to 37 per cent.

64. While all on Guam were proud of the multicultural tapestry the island had become, the administering Power had recently begun to use that diversity to deprive the Chamorro people of their basic human rights in their own land. In March, a federal court had ruled that any decolonization plebiscite must include the participation of all United States citizens on the island, even if they had been there only for a few days. The United States Department of Justice had sued the Government of Guam in an attempt to eliminate the Chamorro Land Trust, a programme created to provide land to landless Chamorros unjustly displaced by the United States military after World War II. The United States Government claimed that both the plebiscite and the programme violated the United States Constitution and that the only rights Chamorros on Guam had were those established by the United States Congress. Any decolonization process that followed the colonizer's rules was little more than an extension of colonization, retaining the same structures of inequality.

65. Guam held enormous military value for the United States, which had taken advantage of the Territory's status to reap numerous strategic benefits while denying its people representation in the United States Congress or at the United Nations. The military value had effectively obstructed the decolonization process, preventing the people of Guam from participating in negotiations akin to those through which the members of the Trust Territory of Micronesia had acquired their sovereignty and become the independent States of Palau, the Marshall Islands and the Federated States of Micronesia. He endorsed the call by several petitioners to send a visiting mission to Guam.

66. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) asked whether Mr. Bevacqua, as a member of the Independence for Guam Task Force, thought it was possible for the occupying Power to meet the demands of the Chamorro people, in view of recent developments. He also would like to know how the United Nations could help pave the way for the exercise of self-determination by sending a visiting mission to the Territory.

67. **Mr. Bevacqua** (Independence for Guam Task Force) said that one of the reasons that being a colony in the modern world was a strange experience was that most people did not believe that colonies still existed. Many in the United States thought Guam was either a fictional place or a military base. While it had been nearly impossible to induce the administering Power to engage in dialogue, he hoped that the media attention that a visiting mission would garner might impress

upon the United States the need to take its obligations seriously.

68. **Ms. Barnett** (Prutehi Litekyan) said that her organization was dedicated to the protection of natural and cultural resources throughout Guåhan. War cast a grim shadow over her island, as the administering Power conducted military training and testing, euphemisms for its use of explosives in the ocean and on ancestral lands. As a bearer of her people's long tradition of resilience and resistance in the face of colonial oppression, violence and the threat and reality of war, she refused to remain silent. The United States was planning to build a massive live-fire training range in northern Guåhan, overlooking the sacred Chamorro village of Litekyan, a living memorial to ancient Chamorro ways of life, on land stolen from its original owners. According to the United States Navy, over 79 ancestral sites would be bulldozed or damaged in the area, and the projected installations would destroy over 1,000 acres of the last 5 per cent of pristine limestone forests. Moreover, the firing range, located above the primary aquifer, would contaminate the island's main source of drinking water, with almost 7 million bullets containing lead and other toxic substances to be fired at Litekyan every year.

69. Through popular demonstrations and resolutions opposing the construction of the firing range, the Chamorro people had sent the clear message that their ancestors had not intended for their home and sacred places to be a place of war games for foreign soldiers. The construction clearly violated international law, which forbade administering Powers from destroying the natural and cultural resources of a colonized people. She called upon the Organization to work with the Chamorro people to halt the militarization of the island so that it could begin its long-overdue decolonization process.

70. **Ms. Natividad** (Guam Commission on Decolonization) said that the Committee must act decisively to help Guam and the other Non-Self-Governing Territories to exercise their right to self-determination. The draft resolution on the question of Guam rightly noted with concern that a United States court had ruled that a plebiscite on self-determination could not be limited to native inhabitants, thus bringing the plebiscite and eligible voter registration to a halt and nullifying elements of Guam law, which had established the Guam Commission on Decolonization to ensure the exercise of Chamorro self-determination. Furthermore, the ruling had been based on the civil rights of United States citizens, but in the process had violated not the civil rights but the inalienable human

right to self-determination of those who had collectively experienced colonization.

71. Four generations of her people had already come before the United Nations pleading with the Organization to intervene, and many more would follow suit unless the Committee changed course and focused on the specific actions that it could take to resolve the question of Guam. The Guam Commission on Decolonization therefore recommended that the United Nations should use its influence to compel constructive engagement from the United States in the island's decolonization process in accordance with the principles of decolonization and international law; and that a United Nations visiting mission should be sent to Guam, as requested by the Territory's Governor.

72. **Ms. Terlaje** (Senator and Vice-Speaker in the Guam legislature and Vice-Chair of the Guam Commission on Decolonization) said that the safeguarding of a Non-Self-Governing people's rights to control its natural resources and participate in any decisions about them were hallmarks of self-determination. It was critical that in a period of climate change, Guam, a small island, should be allowed to protect resources that increased the absorption of carbon dioxide, protected shores against rising tides and maintained the island's biodiversity as a hope for the future wellness and economic independence of its community. The Territory's land and ocean were increasingly under threat, and access to and control over its resources were impeded by the delay in decolonization.

73. Of the over 100 contaminated sites on Guam, nearly all were the product of United States military activity, which, in turn, had exposed the people of Guam to many carcinogens. Guam had been denied compensation for radiation exposure despite high cancer rates, which had been compounded by confirmed exposure to nuclear testing in the Marshall Islands. Nonetheless, the United States military training and testing areas continued to expand, occupying over one third of the island, causing the destruction of acres of limestone forest and endangering coral reefs.

74. A recent lawsuit filed by the United States against the Government of Guam sought to invalidate the Chamorro Land Trust Act, a 40-year-old local law that reserved land in trust, forever, for the native inhabitants of Guam. The Act had been established by the Guam legislature to address the forcible expropriation of land and resettlement of Chamorros during periods of colonization and especially after World War II, when over two-thirds of the island's land

had been taken by the United States military. It was ironic and unjust that the United States was permitted years of inaction on decolonization but could suddenly and unilaterally try to use its courts to dismantle a programme that safeguarded a homeland for the native inhabitants of its Territory. Furthermore, the United States argument that the Chamorro Land Trust Act was discriminatory was inconsistent with the establishment of similar programmes in the United States. It also ran counter to the its position in favour of its unilateral establishment of firing ranges, where it claimed that its courts were precluded from stopping that project because the matter was a political one to be determined by the United States Congress.

75. The indigenous people of Guam had never consented to having their land, waters or food contaminated; their fishing grounds and ocean resources restricted; their homes and villages relocated or lost; firing ranges built adjacent to ancient villages and sacred burial grounds; or their borders decided without their input. She therefore urged the Committee to adopt a resolution demanding the immediate decolonization of Guam before any more of its resources were lost.

76. **Ms. Cruz Nelson** (Senator in the Guam legislature) said that the United States military occupied over one-third of her island's landmass. One in eight adults on the island was a United States military veteran, but despite having the highest military enlistment rate per capita in comparison to the United States mainland, Guam ranked last for veteran medical care. Alarming, the United States fully supported her people's military enlistment but not their quest for self-determination or freedom. The administering Power's colonial control over Guam extended to every aspect of life on the island, as evidenced by a United States court's abrogating the right of its inhabitants to hold a plebiscite. Nevertheless, Guamanians had made their will known, taking to the streets to protest that court ruling as well as the military's plan to develop an environmentally destructive firing range. Was it right to allow an impending military build-up in a place that had not yet been decolonized?

77. Guam needed the Fourth Committee to become the driving force to its decolonization by pressuring the United States to do what was necessary so that Guam could be removed from the list of Non-Self-Governing Territories. The United States must publicize all pertinent materials related to the three status options. Her people's wishes remained the same, namely, to have the freedom to govern themselves and choose their political status, and to exercise the inherent,

God-given right to make economic and environmental decisions that would preserve the Chamorro people.

78. **Ms. Borja** (Sagan Kotturan Chamoru) said that her island and her people's Chamorro language, culture and identity had been adversely affected by United States imperialism, colonization and militarization. When the United States had first gained control of Guam in 1898, her people had been forced to learn English and forbidden to speak Chamorro. Instead of learning about their heritage, children were taught United States culture and history in English from a white, Western perspective. United States Census data from 1990, 2000 and 2010 indicated that the number of Chamorro speakers on Guam had dwindled to 17 per cent, with most fluent speakers being over the age of 55. Language and culture were directly linked to the existence and survival of a people.

79. A new generation of Chamorros, aware of the importance of their identity, were now speaking to their children in Chamorro and carrying on the fight for their right to self-determination. However, they could not prevail without the Committee's help. The purpose of her grassroots organization was to perpetuate the Chamorro language and culture. It endorsed the sending of a visiting mission to Guam, and supported the draft resolution on the question of Guam, especially its emphasis on the need for the administering Power to recognize and respect Chamorro political, cultural and ethnic identity. Language should also be included condemning the administering Power's plans to build a firing range above Litekyan, thereby denying access to a Chamorro sacred space. Lastly, she expressed support for the request made to the United Nations by the Governor of Guam to send a visiting mission to the Territory.

80. **Ms. Munoz** (Pacific Women's Indigenous Network) said that the issue of climate change was bound up with political future of Guam and the vulnerability and survival of the island and its people. Since 2013, Guam and the Western Pacific had experienced alarming developments due to warming oceans, which had destroyed coral habitats and thus killed off fish species, while rising sea levels, slated to spike dramatically in the coming century, had submerged low-lying areas and intensified coastal flooding from typhoons and tsunamis.

81. This had particular significance for her Chamorro people who, despite their colonial history, had remained a distinct indigenous people with a living culture that revolved around their relationship to their land. Securing land rights for indigenous peoples was a proven climate change solution; conversely, denying

such rights was a threat to the world's remaining forests and biodiversity and was a primary cause of poverty. As a United States Territory, Guam and the Chamorros were held hostage to that country's decisions regarding climate change, most recently its withdrawal from the Paris Agreement on Climate Change, which gravely undermined how Guam believed it should respond locally to that complex issue, for instance by hosting climate change refugees from the Western Pacific.

82. The only way to ensure the full participation of Guam and its people in local, regional and global climate change efforts was to resolve the question of its political status and uphold the Territory's human right to self-determination. At the moment, Guam was denied the right to make meaningful contributions to the Pacific Islands Forum alongside its sovereign sister nations.

83. When adopting the draft resolution on the question of Guam, the Committee should condemn the administering Power's intended destruction of over a huge stretch of limestone forest, its barring of access to a sacred site and its contamination of the island's largest source of drinking water. The United Nations must send a visiting mission to Guam and use its influence to compel the administering Power to engage fully in Guam's decolonization process.

84. **Ms. Limtiaco** (Famoksaiyan), speaking on behalf of the indigenous Chamorro people of Guam, said that the United States military still planned to relocate 5,000 Marines and their dependents from Okinawa to Guam between 2024 and 2028, pursuant to its agreement with Japan. As a result, more of the Territory's ancestral lands had been taken from the indigenous Chamorro people to be used for firing ranges, detonation testing and training. For years, the people of Guam had been fighting to put an end to the use of its ancient sites as training grounds, most recently rallying peacefully against the plan to build a massive firing range in Litekyan. For merely exercising their right to be heard, Guamanians participating in those efforts had been labelled terrorists, traitors and even anti-American. Moreover, the United States Department of Defence had been using the projected firing range as a diversion from the even larger threat to Guam's environment and economy posed by its Mariana Islands Testing and Training project, which would expand the Department's training and detonation area to almost 1 million nautical miles, in the process killing off an estimated 80,000 marine mammals from close to 30 distinct species, destroying over six square miles of endangered coral species and contaminating the island's aquifers.

85. Those destructive practices would also stoke further tensions with the Democratic People's Republic of Korea. The escalating tensions had already cost Guam millions in tourism revenue because the island was caught in the crossfire between the United States and that State. He urged the Committee to take a strong position against the plans by the administering Power to expand harmful military activities, and in favour of sending a visiting mission to Guam. The Organization must use its influence to involve the United States in the Territory's decolonization process in a way that guaranteed genuine self-determination and cooperation.

The meeting rose at 6 05 p.m.



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Special Political and Decolonization Committee Fourth Committee

Summary record of the 4th meeting

Held at Headquarters, New York, on Wednesday, 4 October 2017, at 3 p.m.

Chair: Mr. Ramírez Carreño (Bolivarian Republic of Venezuela)

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The meeting was called to order at 3.10 p.m.

Agenda item 62: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (continued) (A/72/23 (chaps. VIII, IX, X, XI and XIII), A/72/74 and A/72/346)

Hearing of representatives of Non-Self-Governing Territories and petitioners (continued)

1. **The Chair** said that, in accordance with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and petitioners would be invited to take a place at the petitioners' table, and all would withdraw after making their statements.

Question of Guam (continued) (A/C.4/72/4)

2. **Mr. Tom** (Pacific Islands Students Association of Diablo Valley College, California) said that the Chamorro people had cultivated and cherished their land for more than four thousand years. At the hands of foreigners, that land had undergone irreversible changes. The United States Government sought to deprive Chamorros of their native territory and perpetrated other assaults on their rights and natural resources. Sacred lands had been taken, not given, and had been transformed beyond all recognition by forms of development alien to his people. Thousands of Chamorros had been forced off their lands by the United States military, in the aftermath of the Second World War, and landless Chamorros continued to suffer from that historical injustice.

3. The United States had recently filed a lawsuit that sought to erase the rights of the indigenous people of Guam, who were constantly expected to submit to decisions taken by its Federal Government, while having no voice and no rights. The Chamorro Land Trust Commission had been created to provide leases to landless Chamorros, and a mere 15 per cent of the island's 212 square miles had been set aside for that purpose. The native inhabitants of Guam should not need the approval of the United States Government to use lands that were rightfully theirs. The Committee should organize a visiting mission to Guam in order to meet with the Chamorro people and learn more about their struggles. The United Nations needed to engage more directly with the people and educate the Chamorros on what it meant to have the power of self-determination.

4. **Mr. San Nicolas**, speaking in his personal capacity as a student from Guam, said that, too often, opportunities to pursue scientific studies were denied to

people in Guam because of distance and the infrastructure of colonization. Indeed, colonization was an experiment that would not meet with approval in current times. His people were the laboratory rats in that experiment. The power of his people was often underestimated, but he believed that they were capable of achieving great things. The Committee had the power to enable them to walk unshackled into a bright future. He urged the Committee to believe in the infinite potential of the people of Guam.

5. **Ms. Arroyo** (University of San Francisco Pacific Islander Collective) said that she had been shocked when visiting an ancient Chamorro village on Guam to discover that she needed a military identification badge to visit the home of her ancestors. Many of the arable lands had been taken by the administering Power for use as military bases, leaving the people without ways to survive. Many had enlisted in the United States military and had become dependent on the benefits of service. Forcibly displaced from their land, people had been driven into poverty. United States militarization and occupation had prevented Chamorros from connecting spiritually to their history and many had been forced to relocate to other regions.

6. The quality of health care in Guam was a disservice to Chamorros, and their dependence on Western medicine had disconnected them from their native ways. Militarization threatened their access to the medicinal plants used by their ancestors. The Chamorros were unable to return to their indigenous practices because of the destruction caused by the administering Power. The only way of learning their history was through their elders, but the Chamorros could not thrive as a nation when they were a shrinking minority in their motherland.

7. It was imperative for the United Nations to send a visiting mission to Guam to engage the United States in decolonization. She would support a draft resolution on Guam that included language condemning the serious damage that would be caused in the northern part of Guam by United States plans to build facilities and firing ranges for the Marines. The United States intended to destroy one thousand acres of limestone forest, prevent access to sacred sites and contaminate the island's main source of drinking water without the consent of the islanders. She urged the Committee to take a strong position against those destructive plans, which violated international law.

8. **Mr. Petersen**, speaking in his personal capacity as a professor at the City University of New York, said that he had studied issues of self-determination and independence in relation to the United States Pacific

island possessions. At the end of the Second World War, after seizing the Japanese-mandated islands, the United States had insisted that those islands should be under its permanent control. Instead of pursuing that objective in the Trusteeship Council, it had done so in the Security Council, where it had a veto. It was only the tenacity of the Fourth Committee and later also of its subsidiary body that had enabled the Micronesian peoples of Palau, the Marshall Islands and the Federated States of Micronesia to fight successfully for independence.

9. As a representative of the Federated States of Micronesia, he had attended numerous meetings at the United Nations and had asked United States representatives to explain the reasons for some of their positions. They had replied that they were merely following instructions received that morning from the State Department in Washington. The United States had no concept of what it was doing regarding Territories and indigenous peoples. The Micronesians, on the other hand, had extremely clear plans, particularly with regard to land and strategic location. Micronesians had observed that Hawaiians had become marginalized and disenfranchised in their own country after losing control of their lands. Determined not to suffer the same fate, they had resisted the pressure from the United States for permanent access to Micronesian lands. Since Micronesia had been the site of many battles in the Second World War, the people were adamant that their islands would not be destroyed again. They had rejected the offers of protection from the United States, pointing out that the only reason they had anything to fear was because of the very presence of the United States. Guam was in exactly the same position as those islands.

Question of New Caledonia (A/C.4/72/5)

10. **Mr. Germain** (President, Government of New Caledonia) said that, following the entry into force of the Matignon Accords, which had paved the way for 30 years of peace, collaboration and economic and social development, the political rebalancing and redistribution of constituencies had boosted the representation of pro-independence sympathies within provincial institutions, as well as in the legislative assembly and the government. At the budgetary level, the two pro-independence provinces received half of allocations, although they accounted for only a quarter of the population.

11. The Nouméa Accord was well on the way to implementation. France maintained responsibility mainly for foreign affairs, judicial affairs, defence, public order and currency. Yet even there New Caledonia played a certain role: it could join international organizations, have representation and

conclude agreements; it had judicial powers under customary civil law and could promulgate laws; and Caledonians were being integrated into the police forces. Along with the transfer of powers, France paid financial compensations equivalent to 25 per cent of the Territorial budget.

12. Under Caledonian authority over the economy, readjustment strategies in North Province and Loyalty Islands Province had included the acquisition of a 51 per cent share in the largest nickel-mining company in the country and the redistribution of over half the available private land to the Kanak clans. The GDP had risen by 250 per cent to become the highest in the Pacific region after that of Australia and New Zealand, and the employment rate had doubled. Caledonians now had priority in employment and the minimum wage had been doubled. Nevertheless, nearly one fifth of Caledonian families were still living below the poverty level. Therefore, a vast social protection plan had been put in place and progress had been secured, notably in health and education. A Caledonian education project, established in 2016, addressed the needs of young people who had emerged from the school system without qualifications.

13. The three nickel plants in New Caledonia were surviving the global nickel crisis thanks to massive loans and facilities granted by the French Government. His own government had launched an economic diversification plan to support agriculture, tourism, renewable energies, exports and innovation. Steps were being taken to control inflation and increase economic competitiveness. Two major tax reforms had also been introduced.

14. New Caledonia had made its own commitments relating to the Paris Agreement under the United Nations Framework Convention on Climate Change, aiming to achieve exclusive reliance on renewable energy sources by 2030, and had drawn up a plan for the conservation and sound development of its entire exclusive economic zone, which was listed as a national park.

15. Regional integration was a cornerstone of the emancipation and development of New Caledonia, which had full membership in the Pacific Islands Forum and was currently chairing the Conference of the Pacific Community. Later that month, it would be presenting itself as a candidate for membership in the United Nations Educational, Scientific and Cultural Organization. Bilateral relations were the second pillar of the government's strategy, and cooperation agreements had been signed with Australia, Fiji, Papua New Guinea and Solomon Islands. The economic

integration of New Caledonia into the region remained a third goal.

16. In preparation for the 2018 referendum on self-determination, the Committee of Signatories to the Nouméa Accord had agreed to allow the automatic registration of Caledonians on the special electoral list, with the exception of persons, whether Kanak or non-Kanak, whose names had not appeared on any prior general electoral list. Legal solutions to that problem had since been identified so that they could be included as well. To date, approximately 95 per cent of the population had been registered.

17. He expressed appreciation to the Committee and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee on decolonization) for their benevolent and effective commitment over the years and assured them that his government would be at the disposal of the United Nations in organizing the 2018 referendum.

18. **Mr. Forrest** (Front de libération nationale kanak et socialiste (FLNKS)) said that the 2018 referendum should be free, fair and conducted in accordance with the Charter of the United Nations. The Special Committee's electoral observer mission had in 2014 confirmed his political party's doubts concerning the sincerity of the French mechanism for establishing electoral lists. The parties should be held to their obligations under the Nouméa Accord, and the Special Committee should visit New Caledonia prior to, during and after the 2018 referendum. The mission of the United Nations Electoral Assistance Division should also be pursued.

19. The political objective of FLNKS was full sovereignty for Kanaky/New Caledonia and the establishment of a new democratic, secular, multicultural and solidarity-based State in the Pacific. His party would continue to engage in repeated consultations with the public at the most local levels to broadcast its vision of an independent State, while at the same time lobbying for it regionally and in Europe.

20. The Nouméa Accord was not always respected. The transfer of power continued to encounter real obstacles and natural resource management continued to serve foreign interests. Serious governance problems persisted, with the current government caught up in the battle for positions within the new nation. The dialogue between the stakeholders on the country's accession to full sovereignty was in abeyance.

21. He relied on the firm commitment by the United Nations over the following months to re-establish the proper implementation of the Nouméa Accord and to bring to fruition resolution 65/119 relating to the Third International Decade for the Eradication of Colonialism.

22. **Mr. Rivero Rosario** (Cuba), referring to the problem with the electoral lists and the mission undertaken by United Nations experts to look into the matter, asked whether the lists had since been updated or corrected.

23. **Mr. Forrest** (Front de libération nationale kanak et socialiste (FLNKS)) said that the problem of the 20,000 Kanaks who were not registered as voters had not yet been resolved, hence the request for United Nations assistance in the discussions with the administering Power to ensure that the vote would be unimpeachable.

24. **Mr. Wamytan** (Groupe Union calédonienne (UC)-Front de libération nationale kanak et socialiste (FLNKS) et Nationalistes, Congress of New Caledonia) said that, with the referendum on accession to full sovereignty due to take place in a year's time, it was necessary for the United Nations to consider how the United Nations resolutions on the right of peoples to self-determination had been applied in New Caledonia, and to assess the extent to which France, the administering Power, had prepared the colonized Kanak people and other communities that shared their destiny to take part freely, genuinely and transparently in the 2018 referendum. The Plan of Action for the Second International Decade for the Eradication of Colonialism had instructed administering Powers ensure that any exercises of the right to self-determination were not affected by changes in the demographic composition of the Territories under their administration as a result of immigration or the displacement of the peoples of the Territories. That obligation, however, had clearly not been respected in the case of New Caledonia, since the settlement policy and voting criteria had made the Kanaks a minority in their own country.

25. Voting requirements had been the subject of interminable debates for decades. As a major political concession, FLNKS had, under the different political accords, agreed to recognize the rights also of new arrivals in the Territory. That recognition, albeit restrictive in terms of length of residence, had made it possible to consolidate the Caledonian people over time, without allowing it to evolve indefinitely lest that disrupt the architecture of the different accords.

26. Unfortunately, recurrent attempts to override the political and constitutional constraints had exacerbated tensions between Kanaks and non-Kanaks. A case in

point was the plight of the 22,780 Kanaks identified as unregistered, who, as a result, would not be able to exercise their right to self-determination. The manipulation, exploitation and trickery deployed in the current battle of numbers could sway the results of the 2018 referendum in either direction. The administering Power, having pursued a settlement policy intended to change the demographic composition of the Territory, had failed to respect its obligations and created a potential source of violence and instability that could disrupt the conduct of the referendum. France, which since the end of the Second World War had held a disproportionate but real influence within the United Nations, had the ability to address the matter seriously. More recently, President Macron had declared that colonialism was a crime against humanity. The right of the Caledonian people to dispose of their own future could not be sacrificed to the higher interests of France. The exercise of the right to self-determination was too precious an asset for Caledonians to allow the administering Power alone to be in charge. Oversight and support by the United Nations were vital at that crucial juncture.

27. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) asked when would be the most appropriate time for a United Nations visiting mission to travel to New Caledonia to assist in the preparations for the referendum and how it could effectively help to guarantee the participation of the Kanak people in the referendum.

28. **Mr. Wamytan** (Groupe Union calédonienne (UC)-Front de libération nationale kanak et socialiste (FLNKS) et Nationalistes, Congress of New Caledonia) said that a Special Committee mission would be needed at the beginning of 2018 to supervise the process at the organizational stage, followed by a mission of the United Nations Electoral Assistance Division to help establish the electoral lists. The people, especially the Kanaks, would find their presence reassuring, knowing that the necessary steps would be taken to ensure that they were definitively registered on the lists. He himself would be travelling shortly to Paris to hold discussions with representatives of the French Government.

29. **Ms. Machoro** (Comité Vérité Justice de Kanaky) said that her father, Eloi Machoro, a pro-independence Kanak leader of FLNKS, had been assassinated by French police in 1985. In a quest for truth and justice, the Comité Vérité Justice had been founded in 2011 by the families of all the pro-independence leaders, whom she cited by name, who had been assassinated between 1980 and 1989. The list of suspicious deaths during the period of Kanak insurrection against French colonialism was much longer. Indeed, the colonial State had dealt

summarily with those who wished to follow the path to independence. All those deaths had been covered by an amnesty — proving that France was in fact responsible — which drew a veil over their circumstances and precluded any lawsuits. Since 2012, her organization had made repeated requests, to no avail, for the files covered by the amnesty to be reopened.

30. The Comité Vérité Justice had the right to know the truth. She had come before the Committee seeking justice and requesting its support in obtaining from the administering Power the release of the secret documents in question. Although the focus in New Caledonia was on reconciliation and a common destiny, no reconciliation could be achieved without veracity and justice. The truth about the political assassinations in Kanaky must be revealed and the honour of the victims restored.

31. **Mr. Yanno** (Mouvement populaire calédonien), speaking as an opponent of independence from France, said that four anti-independence groups had joined forces to ensure a future of peace for Caledonians within France beyond 2018. The great majority of Caledonians wished to remain French. Although almost 30,000 Caledonian electors out of a total of 190,000 would be unable to vote as a result of reciprocal concessions, all observers recognized that the majority of New Caledonians were not in favour of independence. The independence of New Caledonia was not inevitable. The referendum must be conducted in a transparent, fair and legitimate manner so that the result would be indisputable. Contrary to what certain pro-independence leaders claimed, the electoral lists in New Caledonia had not been rigged and were free from irregularities. The United Nations observers serving on the committees drawing up those lists could attest to their legitimacy. They should remain as observers until completion of the definitive lists as well as in the run-up to and the conduct of the 2018 referendum.

32. New Caledonia was a special case among the Non-Self-Governing Territories. Indeed, although the two sides were political adversaries, they had been partners in two successive agreements: the Matignon Accords and the Nouméa Accord; and the hope was that they would continue to forge a common future together.

33. **Ms. Boewa-Mi** (Tous calédoniens) said that, as a Caledonian woman of mixed Melanesian and French blood, she was proud and happy to live with two cultures. France guaranteed peace and harmony between the communities in New Caledonia and even within the tribes, and it upheld human rights, justice and equal treatment. The French social model provided a good quality of life, health care, low-cost public housing for

those most in need, and pensions. Free education patterned on the French system up to the university level afforded access to high-level positions.

34. New Caledonia had a very small population and would be unable to ensure its own defence or to protect its inhabitants against threats such as terrorism or climate change. Forced to appeal to other countries, it would become dependent once again, and inter-ethnic tensions would be out of control. The different points of view of pro-independence and anti-independence groups must be respected, and would be given voice in the coming referendum. Independence was a romantic notion and one without any solid foundation. The well-being of the population should not be sacrificed for that ideal and the advantages of Caledonians under the current arrangements should not be abandoned for an uncertain future. Decolonization could be achieved without independence.

Question of Western Sahara (A/C.4/72/7)

35. **Mr. Rosemarine**, speaking in his personal capacity as an international law specialist, said that the Moroccan autonomy proposal was fair and flexible since it offered a large degree of self-determination for the Saharan people, with emphasis on negotiation with all parties. It was also far-sighted, as its aim was to build a democratic society based on the rule of law, guaranteed freedoms and development. The Saharan people would hold leading positions in the institutions of the region and would have the financial resources they needed. Morocco could most definitely be trusted to deliver on its proposal. The Government had responded to the Arab Spring by adopting lasting democratic reforms and boosting economic growth, all of which had been achieved without bloodshed. Citing the example of the prospective break-away of the United Kingdom from the European Union, which the majority of British citizens recognized as potentially disastrous for their economy, he warned that Western Sahara with its tiny population and minute economy would be at even greater risk of destabilization, all the more so since the region was dominated by fanatical militias and ravaged by civil wars.

36. **Ms. Scholte** (United States-Western Sahara Foundation) said that the Sahrawis of Western Sahara were a people of integrity and honour who had faith in the guiding principles of the United Nations. Supporters of self-determination for the Sahrawis were those who believed in the Universal Declaration of Human Rights. Those who supported the position of the King of Morocco were either ignorant of the facts or were coerced or bribed by the Government, which financed outlandish propaganda to conceal the truth and obstruct

progress on the issue. Contrary to Moroccan assertions that the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente Polisario) engaged in terrorism, the Sahrawis, despite atrocious human rights violations by Morocco against innocent men, women and children, had never resorted to terrorism and had continued to abide by the terms of the ceasefire.

37. Failure by the United Nations Mission for the Referendum in Western Sahara (MINURSO) to fulfil its mandate and also to monitor respect for human rights by both sides had led to many tragic events. Sahrawis in Moroccan-occupied Western Sahara faced torture, imprisonment and disappearances. Most Sahrawis had lived in squalid refugee camps in Algeria since 1975, and some had never seen their homeland. The United Nations rewarded invasion, aggression and violence. The situation of Western Sahara remained unacceptable. Having failed to hold a referendum, the United Nations must call on the King of Morocco to end his country's illegal occupation of Western Sahara.

38. **Mr. Lippiatt** (WE International, Inc.) said, as a human rights activist familiar with the Tindouf camps, that the Sahrawis, far from being terrorists, wished only for a peaceful resolution so that they could return to their homeland. They needed protection from the calculated human rights violations committed by the Government of Morocco. Their right to self-determination was recognized by the International Court of Justice, the African Union and over 70 sovereign States. He urged the United Nations to mandate human rights monitoring in Western Sahara by MINURSO and to bring about the long-promised referendum for the independence of the Territory. The human rights mechanisms in Morocco could not and would not achieve impartial monitoring and had constantly failed the Sahrawi people.

39. Although it was a party to several international human rights instruments, the Government of Morocco did not observe its legally binding obligations. The creation of the Moroccan National Council on Human Rights was a farce and a sham. There was no freedom of assembly in the heavily-policed Territory, and Sahrawis were tortured, held in secret detention centres, denied jobs and education and prevented from practising their traditional nomadic lifestyle, as MINURSO staff looked on indifferently, in silent witness. The rejection of independent human rights monitoring by the King of Morocco was tantamount to an endorsement of the human rights violations.

40. The international community had the responsibility to ensure that international law was respected and that the United Nations decolonization process, centred on the promised referendum on self-determination for the

people of Western Sahara, was taken to its logical conclusion.

41. **Mr. Gherieb** (École nationale supérieure de sciences politiques, Algiers) said that the Sahrawi people had the right to justice. Colonization in Western Sahara, the last colony in Africa, must be brought to an end. Forty-two years after the Moroccan invasion, the Sahrawi people were still waiting for the promised referendum to take place. Despite all the efforts of the United Nations and the Secretary-General, Morocco was not living up to its obligations. Clearly, Morocco had learned from its former colonialist master, given the way it operated in the occupied Territory. Furthermore, the people living in the refugee camps were not treated with respect. The international community had not yet fully understood the situation of the Sahrawi people. A security embargo had been imposed as well as an economic embargo, and MINURSO had been unable to ensure respect for human rights or to organize the referendum. The Sahrawi people called for their independence as a matter of urgency.

42. **Mr. Taleb** (Youth for Youth Development) said that he had been born and raised in the Tindouf refugee camps. His family had fled their home in occupied Western Sahara after Moroccan forces had bombed them with the internationally banned substances, napalm and phosphorus; they had found refuge in Algeria, whose noble and courageous support of his people against the Moroccan attempts to exterminate them deserved international acclaim.

43. He commended the United Nations for its legal recognition of the issue as a matter of decolonization and an occupation problem. All that was left to do was to deal with the issue under Chapter VII of the Charter of the United Nations, ensuring that all the members of the Security Council, France included, respected it instead of backing an invader regime such as Morocco by vetoing any resolution that included a human rights mandate for MINURSO. The Moroccan occupation of Western Sahara had resulted in a massive violation of human rights, amply documented by African and international human rights organizations. Since its invasion, Morocco had continued to exploit the natural resources of Western Sahara, notably fisheries and phosphates. Its occupation was a grave crime and was a major impediment to the realization of the Sahrawi people's inalienable right to self-determination and independence. MINURSO, with a staff of 300, was receiving an annual budget of 56 million dollars for doing nothing, having failed to organize a referendum or to monitor human rights in Western Sahara. The 200,000 Sahrawi refugees, instead, were in desperate need of funding.

44. The Sahrawis were a peaceful people. Their hope was that a peaceful solution would lead to restitution of their rights over their homeland. After 42 years of exile under harsh conditions, however, their patience was running out. The current stalemate and the weakness of the United Nations could lead to the outbreak of war with unknown repercussions. Determined to fight for their independence using all legitimate means, they would die free, if that was the price they had to pay for freedom and dignity.

45. **Ms. Stame** (Internazionale femminile democratica di centro), relating the story of a young Sahrawi girl from the Tindouf camps who had been adopted by a Spanish family, said that, while on a return trip to the camps to visit her biological family, she had been kidnapped by Frente Polisario militia. After two years of struggle for her liberation, her adoptive father had learned that she was being held against her will under close watch. Forced into an involuntary marriage, the girl had attempted suicide just two months earlier.

46. Even the efforts of the Government of Spain for her release had been rejected, for the leaders of the Frente Polisario did not wish to set a precedent, knowing that at least 150 other Sahrawi girls were in the same situation. If the girl were to attempt suicide again, the international community could not claim ignorance. That was how the Frente Polisario and its protectors were enforcing freedom of movement and respecting human rights.

47. **Mr. Ahmed** (Sahrawi Association USA) said that his NGO, the first representing the Sahrawi people of the diaspora, sought to educate the American people on the struggle of the people of Western Sahara and to hold those complicit with the Moroccan occupation accountable. After 42 years of occupation, Morocco continued to commit grave human rights violations, including inhumane detentions, torture, and killings. The politically motivated trial of the Gdim Izik activists had shown the true face of the Moroccan Government. Freedom of speech was being denied and independent Sahrawi voices silenced under a regime of fear; and the Territory's natural resources were being exploited, denying the Sahrawi people control over their homeland.

48. Despite countless Security Council resolutions calling for the right of the Sahrawi people to self-determination, Morocco and its powerful allies such as France had ignored or undermined every effort for a peaceful resolution. They had persistently impeded the conduct of the referendum agreed to since 1991 by the United Nations, which would allow the Sahrawi people

to choose between full independence or integration with Morocco.

49. Western Sahara was torn between hope in the fairness of international law and despair in the face of world apathy. Angry and frustrated with the lack of progress, most Sahrawi young people viewed the resumption of war as the only way out of the stalemate. They needed tangible actions and true commitments from the Security Council. If the United Nations seemed reluctant to follow through on the referendum plan, it was largely due to a lack of will on the part of the Member States.

50. France should stop undermining the efforts of the Committee. The Committee, for its part, should establish a human rights mechanism to grant the people freedom of speech. Morocco and all concerned parties must come to the negotiation table with a sincere political will and a true belief in peace and justice.

51. **Ms. Basinet**, speaking in her personal capacity, said that she sought to defend Sahrawi intellectual property and to denounce media bias or outright falsity that diverted attention from the real issues. For nearly two decades, the Sahrawis had been ignored by a rigged global media system which catered to 1 per cent of the world's population at the expense of the remaining 99 per cent. The Sahrawis should be prized and protected for they stood out as an example to the world in their quest for self-determination and a peaceful resolution of the conflict. Displaced societies demonstrated determination and resourcefulness and possessed a wealth of knowledge. The international community should safeguard the intellectual property of the Sahrawis, often their only possession, protect their resources and support them on their path to self-determination.

52. **Ms. Thomas**, speaking in her personal capacity as a lawyer, said that while Moroccans in Western Sahara had prospered over the preceding fifteen years, the Sahrawis, both within the Territory and in the camps at Tindouf, continued to languish under deplorable conditions. The only solution lay in holding the referendum promised to them years earlier. As the legal affairs officer in MINURSO in the 1990s, when the United Nations had attempted to implement the referendum, she had participated in identifying the persons eligible to vote in accordance with the criteria agreed by the parties. However, shortly after the list of eligible voters had been published in 1999, Morocco, whose attempts to pad the voters' list with unqualified applicants had failed, had decided to pull out of the referendum process, realizing that if a truly fair referendum were held, it would probably lose.

Shamefully, the United Nations had allowed it to do so rather than uphold the rights of the Sahrawis under international law and their ceasefire agreement. The claim by Morocco that the referendum had been cancelled because of technical reasons or insurmountable disagreements over eligibility criteria was simply a lie.

53. It was not too late. The United Nations could still hold a referendum. No technical, logistical or legal reason existed to prevent it. All that was necessary was the willingness of the United Nations to stand up once and for all to the intransigence of Morocco. She urged the members of the Committee to have the courage to do that.

54. In response to the statement of the first speaker on the question, she said that since Morocco had not honoured any of the promises it had made in the past to the Sahrawis, the latter might have little faith in those contained in the autonomy proposal. Indeed, they would be foolish to accept any Moroccan promises.

55. **Ms. Lenz** (Not Forgotten International), referring to her experience of life in the Sahrawi camps, where her organization had had a permanent presence over the past two decades, said that the Sahrawis had created a place of refuge in the vast, harsh, barren Sahara Desert. Their human spirit remained vibrant, despite the trauma and horrors of war they had lived through, their displacement by a military invasion and their abandonment by those nations that were responsible. Sounds of life were all around: the men created jobs for themselves while the women showed great dignity, courage and resourcefulness in caring for their families. Weddings and births were exuberantly celebrated while deep grief was shared as loved ones were buried in ground that was not their homeland.

56. Any stranger or friend was welcomed with the traditional three rounds of tea and honest conversation. Despite betrayal by governments and broken promises, the Sahrawi showed honour towards one another and respected human value. The ancient values of their Bedouin heritage were in evidence: patience, hospitality, generosity and the desire to please the God Who had preserved their existence.

57. During her initial visit to the refugee camps in 1999, she had been approached by a United Nations staff member recording names of qualified voters for the intended referendum. She wondered why, in the following two decades, she had never seen any further evidence of United Nations efforts to promote the referendum in the camps. She urged the Committee to give the Sahrawis their vote.

58. **Ms. Njapau**, speaking in her personal capacity, said that it was historically incorrect to frame the question of Western Sahara as a decolonization matter. Rather it should be understood as a relic of the cold war and the ideological divide between East and West. It should be seen in the context of the unique decolonization of Morocco itself, which, having been divided between two colonial Powers, had begun to recover its territories only gradually after independence, the last one being its Sahara region, following Spain's eventual withdrawal in 1975. No one had opposed the national recovery of any of the other parts of the former Spanish Sahara, until it had come to that last southern region. The local population of Western Sahara had spoken in favour of the autonomy proposal put forward by Morocco. She hoped that the newly appointed Personal Envoy of the Secretary-General for Western Sahara would lead the parties towards the negotiation of a political solution based on that proposal.
59. Resolving the Western Sahara dispute would be of paramount importance for peace and security in Africa, and would remove a major impediment to the integration and development of North Africa. Morocco was to be congratulated on its return to membership in the African Union.
60. **Ms. Lourenço** (Fundación Sahara Occidental), speaking as a human rights activist, said that Morocco was an illegal occupier. There was no doubt about the serious violations of the most basic human rights of the Sahrawis under occupation or the suffering of the refugees in the Tindouf camps for over forty-one years, or about the mined separation wall, the plunder of natural resources that had impoverished the Sahrawis, or the change in the Territory's demographics with the introduction of hundreds of thousands of settlers. Morocco did not want a referendum because it knew it would lose. It had proposed an autonomy option because it desperately needed Sahrawi resources to survive.
61. The political trial at which the Sahrawi Gdim Izik political prisoners had been sentenced to life in prison had not presented any evidence of crimes or violence other than documents signed under torture and the testimony of torturers. A number of those prisoners were currently on hunger strike and, in a clear violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), had been placed in seven different prisons.
62. Detailing the heinous torture techniques applied by the Moroccans to the Sahrawi prisoners, and their history of killings and abductions, she said that the fault of the Sahrawi people was to have believed that the ceasefire they had signed in 1991, under the auspices of the United Nations, would be respected. The Sahrawis had never resorted to violence but were waiting patiently for the referendum. The Kingdom of Morocco, however, respected neither the ceasefire nor the numerous international covenants it had ratified. The Sahrawis were an example to the world of peaceful resistance but were being punished by the silent complicity and inaction of the international community and its failure to protect them or their rights.
63. **Ms. Ouled**, speaking in her personal capacity as a lawyer and member of the French Bar, said that international humanitarian law, especially under the Fourth Geneva Convention, prohibited the worst things that human beings could perpetrate in order to protect individual victims. Every day, however, the Kingdom of Morocco violated international humanitarian law with impunity. Western Sahara was occupied by Morocco. That was an objective fact. That occupation was inadmissible; and anyone attempting to defend it should be reminded of how founding myths were used to justify crimes against humanity.
64. By refusing the term "occupation", Morocco refused to apply international humanitarian law, perhaps because it feared that the application of the Fourth Geneva Convention would call into question the myth that Western Sahara had belonged to it from time immemorial. The Moroccan stand harked back to earlier times when force took precedence over law. International humanitarian law could not be subject to the goodwill of each party to a conflict and subordinate to State interests, for its purpose was, precisely, to protect the individual against the State.
65. As a defence lawyer for the 24 Gdim Izik activists and supporters of Sahrawi self-determination who had been detained for over seven years following the dismantling of the Gdim Izik camp, she wished to report that her clients had requested the application of the Fourth Geneva Convention, which prohibited, among other things, transfer outside the occupied Territory and rape.
66. **Ms. Smith** (The Potomac School), speaking on the basis of her experience as a high school student working with the Sahrawis in Tindouf, Algeria, said it was immoral that the world should stand by while the Sahrawi refugees were living at bare subsistence level despite their extremely progressive culture. The time had come to resolve the question of Western Sahara as the number of refugees worldwide was unprecedented while the resources to provide for them remained the same.
67. The Sahrawi refugee dilemma had a clear and feasible solution. The Charter and numerous resolutions

of the United Nations upheld the right to self-determination of the Sahrawi people. Yet despite the creation of MINURSO and repeated promises, no referendum had been held, and families remained divided. Morocco and its illegal occupying forces should not be allowed any longer to keep the international community from recognizing the rights of the Sahrawis. The freedom of the Western Sahara should be foremost among United Nations priorities. While the process of liberation might be arduous, immediate action to ensure fulfilment of the MINURSO mandate was crucial to protecting the rights of the Sahrawis, realizing the international community's commitment to their self-determination, and restoring the credibility of the United Nations.

68. **Ms. Warburg** (Freedom for All), said that her organization could attest, from its frequent visits to Western Sahara, to the substantial Moroccan investment in infrastructure, amenities and people in the Territory and to consistent progress in human rights and economic, judicial and social reforms there.

69. On the other hand, the refugees confined in the Tindouf camps continued to suffer from food shortages and increasing levels of malnutrition, the consistent denial of their basic human rights, and the misappropriation of humanitarian aid by the Frente Polisario. A census and the registration of the Tindouf population were imperative to determine the precise number and needs of the people and to counter the theft of aid. The quality of education in the camps was also poor; in the absence of secondary schools, a few privileged young people studied in Algiers or abroad and many were reluctant to return to Tindouf. Indeed, the representative of the Frente Polisario in Cuba had recently requested that the medical diplomas obtained by Sahrawi graduates in that country should be sent to Tindouf to ensure that the graduates would return to the camps. Disaffection with the Frente Polisario was widespread and the limited future prospects had driven many young Sahrawis to join terrorist organizations or the Algerian Army. Drug smuggling by the Frente Polisario was causing deadly battles between rival factions in which women and children had been victims.

70. Her organization believed that the Moroccan autonomy proposal for the Territory could resolve the conflict, allowing the Tindouf population to enjoy the same opportunities as their Western Saharan relatives.

71. Following an objection by **Mr. Rivero Rosario** (Cuba) concerning the mention of his country, which was not a topic on the agenda, the **Chair** urged petitioners to limit themselves to the agenda.

72. **Mr. Abba** (Council member, Laayoune-Saguia el-Hamra region) said that as a democratically elected Saharan, he represented the region comprising the cities of Laayoune, Boujdour, Smara and Tarfaya, in Moroccan Sahara, or the southern provinces. Genuine Saharans had participated massively in the elections in the two regions of Moroccan Sahara. The members of the two regional councils managed their own local affairs and for the period 2015–2021 had a joint budget of 7.7 billion dollars. Under the new development model launched in 2015 in the southern provinces by the King of Morocco, the private sector provided 54 per cent of the budget and the Government 46 per cent. Current projects ranged from economic and industrial development to agriculture and fisheries to health, advanced technology and education to infrastructure, with a huge investment in the building of the first road to link the Sahara with the Atlantic. At the end of their mandate, the Saharan regional councils were accountable to the public and presented a detailed statement of budget expenditures and project assessments. One of the major objectives of his regional council was to double the regional GDP by developing projects and job opportunities and fund-raising to make the Saharan population self-sufficient.

73. As the legal representatives of the local, majority-Saharan population, he and his fellow council members listened and talked to the people, shared their daily concerns and promoted their welfare. They were the legitimate elected representatives of the Saharan people, and no one else could claim to speak for them on the question of Western Sahara.

74. **Ms. Bahaijoub** (Family Protection) said that the question should not be whether Western Sahara was a part of the Kingdom of Morocco but rather why Sahrawis were being sequestered in the Tindouf camps in the south-west of Algeria.

75. There was transparency throughout the whole region governed by Morocco: when criminal offenses were committed, the authorities acted swiftly and appropriately, showing a real determination to improve the rights and welfare of its citizens. Life had improved dramatically for all Moroccans, and notably for women. In Morocco, women were an integral part of institutions, politics and the economy and enjoyed wide-ranging civil rights as well as family rights under the 2004 Moroccan Family Code, the most progressive in the Arab world. They had also taken an active part in self-government under the Moroccan autonomy plan by voting and running for office.

76. On the other hand, the majority of women in the Tindouf camps were disadvantaged and marginalized and denied freedom of movement. Only those closely

connected to leaders of the Frente Polisario were given positions of responsibility and enjoyed privileges such as travel abroad. She had received first-hand reports from women in the camps who had been deprived of their fundamental rights, forced into marriage or subjected to exclusion and sexual aggression. A census was needed as a priority to enable the international community to verify the true number of refugees, identify their needs and protect the vulnerable.

77. **Mr. Laassel** (Morocco) pointed out that some petitioners had defied the Chair's warnings and were waving flags. He asked the Chair to restore order in the conference room and expel the disorderly persons.

78. **The Chair** reminded petitioners that flags were not allowed in the conference room and that speakers should not stray from the topic. Petitioners should respect the rules for attendance at meetings of the Committee. The aim was to avoid any type of dispute at the meeting.

79. **Ms. Hardin** (Priority PR) said that during the Manhasset talks in 2007 and 2008, the media had given a glimpse into the unwillingness of the Frente Polisario to negotiate in good faith. It was an encouraging sign of progress that the Secretary-General intended to relaunch negotiations between Morocco and the Frente Polisario, and there again, fair and neutral press coverage would give the public an understanding of the mentality of the negotiators. Clearly, the question of Western Sahara could not be resolved with hostility or closed minds.

80. Those who had suffered in Western Sahara had been in limbo for 42 years and should be allowed to speak. Those returning from the camps, like those who had been incarcerated, struggled to reintegrate into civil society but often did not know how to do so; and they too should be heard.

81. Having longed for years to see the Western Sahara issue resolved and autonomy endorsed, her public relations firm wished to show the public, through an honest public relations campaign, the attitudes and atmosphere of the eventual talks in order to reveal whether both sides had come in good faith to find a solution.

82. **Ms. Erb** (Oasis Teaching Ministries, Inc.) said that the Frente Polisario might hail the detention in transit ports of phosphate shipments from Western Sahara as a victory, but those who really suffered from such actions were the Sahrawis themselves. In fact, 100 per cent of profits from the sale of phosphates mined in that region were reinvested there and directly benefited the local population through subcontracts with local companies. Furthermore, 76 per cent of the workforce employed in phosphate mining was from the southern

region. Confirmation had come from the Danish Foreign Minister who, though his own Government had joined in the boycott, had stated that the import of products from Western Sahara was legal and profited its inhabitants. Furthermore, according to the author Saul Alinski, boycotts weakened free speech and in the long run harmed the people at the bottom of the economic spectrum — those who needed jobs to provide for their families.

83. The real victims of the boycotts routinely conducted by the Frente Polisario were the people who lived and worked in Western Sahara and those living in poverty in the camps, for whom the 16 Sustainable Development Goals were only a dream. The political games should cease and the Moroccan autonomy plan should be endorsed. Families that had been separated for over four decades would thus be reunited.

84. **Ms. Eads** (Capitol Hill Prayer Partners) said that she had urged members of the United States Congress as well as ambassadors and other leaders to become active on behalf of Sahrawi refugees with a view to facilitating their return to their homeland. Many congressional leaders were interested and would follow the action the United Nations would take for both the Western Saharans and the Tindouf refugees.

85. One of the reasons cited for the failure to hold the referendum was the refusal of the host country to allow a census of the population in the camps. She therefore appealed to the Committee to consider the autonomy plan proposed by Morocco, which the Security Council had described as a serious and credible initiative for the resolution of the question of Western Sahara. She assured them of her prayers and support as they carefully weighed the options and sought to reach the right decision.

86. **Ms. Huff** (Teach the Children International) said that when the European Anti-Fraud Office had revealed that copious amounts of humanitarian aid were being sold on the black market by and for the benefit of some leaders of the Frente Polisario, she had finally understood why containers of regular and specialized wheelchairs destined for persons with disabilities in the Tindouf camps — for which she herself had spent days searching in vain — had never arrived. The behaviour of the members of the Frente Polisario showed a blatant disregard for the very people in whose name it made political statements to the international community. It showed a lack of judgment in leadership. A child dependent on food coming into the camps might suffer initially from lack of food but might actually starve when the food intended for him was sold elsewhere on the black market. That practice must not be allowed to

continue as it would only encourage other opportunists to take advantage of the very people the Committee was trying to help.

87. **Mr. Huff** (Safety and Security Instructional Services) said that the instability in the Sahel and the Maghreb resulting from the failure to resolve the issue of Western Sahara should be one of the more urgent concerns of all the parties involved. Rogue individuals had free reign in the buffer zone at the edge of the Territory, where neither the Frente Polisario nor the United Nations had the authority to deal with individual perpetrators, who could thus engage unhindered in drug, arms and commodity smuggling and human trafficking. The lawlessness of the area aggravated the general instability. Furthermore, the recent stand-off around Gueguicrat between Frente Polisario and Moroccan troops showed how volatile the situation was.

88. Moreover, according to the European Strategic Intelligence and Security Centre, wide open spaces, porous frontiers and lack of cooperation between the States of the region allowed terrorists to operate unchecked. Disaffected persons might not necessarily embrace the ideology of terrorists but were more likely to share short-term objectives that allowed terrorist activity to increase. Indeed, as many as 100 militants from the Frente Polisario were reported to have recently joined terrorist groups operating in the North Africa.

89. The international community could not sit idly by while an international disaster escalated. A peaceful settlement in Western Sahara would create stability and defeat terrorism in the Sahel and the Maghreb. All Sahrawis should return to their homeland under the Moroccan autonomy plan, ready to work for the good of their families and the future of their children by building infrastructure, increasing freedoms and promoting democracy.

90. **Ms. Sami** (Antioch Community Church), commending the United Nations for its leadership in bringing the opposing sides together during years of negotiation and an arduous but ultimately unsuccessful attempt by MINURSO to organize a referendum, said that as it tried a third approach — a political solution based on realism and a spirit of compromise — the Organization must look to the autonomy plan proposed by Morocco and supported by the Security Council as well as by a former Personal Envoy and a former Special Representative of the Secretary-General.

91. The autonomy plan would, for one thing, end the suffering of the Saharan refugees in the Tindouf camps. The young people there had precious few opportunities to obtain a good education and secure a job that could provide sustenance, while the most vulnerable were the

children, whose whole future was at stake. The Frente Polisario was holding up the solution, wanting to impose its way without any compromise.

92. **Mr. Arkoukou**, speaking in his personal capacity as a human rights activist in occupied Western Sahara, and reviewing its colonial history, said that the brutal and bloody war against the Sahrawi people sparked by the 1975 Moroccan invasion, during which that country had violated international law repeatedly and committed atrocities, had ended, first, when Morocco had signed an agreement with the Frente Polisario, the legitimate representative of the people of Western Sahara; and, secondly, when Morocco had accepted the United Nations-sponsored peace plan that recognized the right of the people to choose their future freely through a referendum of self-determination. The referendum had been scheduled to be held six months after the entry into force of the 1991 ceasefire. Twenty-five years later, the people of Western Sahara were still waiting for the international community to deliver on their promise.

93. During its decades of occupation, Morocco had continued its systematic human rights violations but had succeeded in hiding them through a ban on national and international independent media and NGOs. In 1991, the demographics of the occupied Territory had started to change dramatically as Moroccan settlers motivated by economic and financial incentives had started another invasion. The Sahrawis, an indigenous people, had become a minority in their own land. He himself had, moreover, witnessed the daily plundering of natural resources. The people of Western Sahara were asking the General Assembly to set a date for the long-overdue referendum and to take immediate steps to stop the theft of resources belonging to them.

94. **Ms. Abu Elula** (Student, Westminster College) said it was shameful that the Committee had been unable to fulfil the simple United Nations promise of a referendum to enable the Sahrawi people to decide between independence and joining the Kingdom of Morocco. Specific action must be taken to help change the lives of the Sahrawis, giving them the right to live free of oppression and dehumanization, and affording access to health care, education and opportunities. The United Nations had been established to unite and protect nations around the world and to uphold international law, not the interests of powerful countries. The Sahrawis, who had seen many referendums on self-determination conducted successfully in other parts of the world, were beginning to wonder whether it was not time to take matters into their own hands. Born a refugee to parents who were themselves born as Palestinian refugees in a camp in Syria, she understood how easy it might be to lose confidence in the United Nations and in

diplomatic efforts and how difficult it was not to seek other solutions. The Committee should make sure that people did not lose faith in it because the legitimacy of the United Nations depended on the belief in its worth.

95. **Mr. Jamison**, speaking in his personal capacity and stressing that he was not a paid lobbyist for either Algeria or the Sahrawi leadership, said that his testimony rested on his experience during five visits to the Sahrawi camps in the Sahara Desert. The hospitality he had received had been overwhelming and he was impressed by the organization and attention to detail reserved for visitors. Within the camps he had been free to visit any tent or home and speak with anyone he wished to find out about their lives, their living conditions and whether they were being held against their will, which they had invariably denied. Moreover, he had been able to express his beliefs freely, including very sensitive issues of his faith, with very senior Muslim leaders. Others might make accusations concerning inappropriate activities in the Sahrawi refugee camps but he believed that if such accusations were true, visits from the outside would not be encouraged.

96. **Mr. Assor** (Surrey Three Faiths Forum) said that, unlike the previous petitioner and despite several requests, he had never been invited to the camps. The latter were in fact no better than prison camps and the situation was worsening day by day. Added to the pilfering of aid were the problems of prostitution and the use of young detainees as drug mules. Even more disquieting was the fact that the camps were becoming fertile ground for recruitment by other terrorists. The camps should be closed and the prisoners allowed to vote with their feet. Morocco was willing to receive them irrespective of their origin. The Committee had left itself open to blame by failing to abolish the camps. Furthermore, the threat of destabilization was growing and everyone in the region was threatened. In the current era it was not easy to deceive, mislead or misinform. The Saharans should be given hope to look forward to a better future in their homeland and the right to choose. They should be set free.

97. **Mr. Aljabari** (Palestinian-Moroccan Friendship Society) said that Morocco, seeking a solution by consensus through diplomatic means, had made an autonomy proposal to resolve the artificial conflict of Western Sahara and promote development in its southern provinces. He commended Morocco on its economic revival and its strategic partnerships with African countries. The return of Morocco to the African Union had caused fear in some quarters because of the country's strategic, spiritual and economic weight. Morocco was a geostrategic force against human

trafficking and terrorism in the north of the Sahara, even as serious problems, especially in Libya and the Sahel, threatened the stability of the region as a whole. Reaching a negotiated settlement would reduce terrorism. Morocco was committed to ridding its Sahara region of terrorist groups and human traffickers. It was hoped that the Committee could help reach a political solution to restore general peace and security to the region and eradicate terrorism.

98. A responsible solution must be a negotiated one that addressed human rights. Hundreds of thousands of Moroccans were confined to the Tindouf camps against their will. The exact number of inhabitants must be determined so that the humanitarian aid intended for them would no longer be stolen. The question of Western Sahara was not one of colonialism but of the reunification of Moroccan territories. The territorial integrity of Morocco was non-negotiable.

99. **Mr. Nguyen Manh-Hung** (Institute for Africa and Middle East Studies, Viet Nam) said, as a researcher familiar with the issue and the Territory, that he believed that autonomy for Western Sahara was currently the only feasible political solution. Offering a compromise between the two opposing views that had resulted in stalemate in the past, autonomy would bring order and justice by preserving the territorial integrity of the Kingdom of Morocco while accommodating the right of the Sahrawi people to their homeland. The Security Council's repeated calls for a solution based on realism and a spirit of compromise would be met. Far from being an imposed solution, autonomy — a common, modern conflict-resolution practice — would be negotiated between the parties. Most important, it promised a better future for the Sahara region and its people that would be consistent with peace, development and political integration. The agenda of the Government of Morocco envisaged an acceleration of development in the Sahara region. Medical, educational and cultural projects were planned which would spur local development. Politically, the Government had indicated its will for harmonization and integration, and in fact during the 2015 elections two Sahrawis had been elected as presidents of the two regional councils of the Sahara region.

100. The parties to the Western Sahara dispute had to change their mindset and think seriously about autonomy as a solution that met the highest interests, not of any political groups, but of the Sahrawi people, many of whom had been living too long as refugees in destitute conditions.

101. **Mr. Paciencia** (Youth Movement) said that the issue was the complete restoration of the territorial

integrity of Morocco. Morocco had had the misfortune of being colonized by two Powers. Not having been able to rid itself of both at the same time, it had thus been obliged to negotiate and recover its territories in two stages: in 1952-1953 and in 1975.

102. The so-called Territory of Western Sahara was no different from the other regions of Morocco. Berbers, Arabs, descendants of Andalusia and others all formed a single people who had established themselves from the southern Atlantic coast to the Mediterranean Sea and the edges of the desert. The Saharan region, where several of its dynasties had originated, could not be detached from Morocco. It shared the same Moroccan history, the same Berber and Arab ethnicity, its people spoke the same languages and practised the same Muslim rites. The true history of Morocco and its southern borders was not to be found in political propaganda sites or in those of NGOs eager to espouse any third-world secessionist cause. The international community was faced with two options: that of splitting Morocco up or respecting its territorial integrity and appealing to the parties to adopt a compromise solution, which Morocco had so generously proposed instead of pressing for simple integration. The autonomy plan was the best strategy for resolving a dispute that had dragged on for too long.

The meeting rose at 6 p.m.



General Assembly

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**Special Political and Decolonization Committee
(Fourth Committee)**

Summary record of the 5th meeting

Held at Headquarters, New York, on Thursday, 5 October 2017, at 3 p.m.

Chair: Mr. Ramírez Carreño (Bolivarian Republic of Venezuela)

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Agenda item 62: Implementation of the Declaration on the Granting of Independence to Colonial Countries and People (*Territories not covered under other agenda items*)
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Hearing of petitioners (continued)

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The meeting was called to order at 3.15 p.m.

Agenda item 62: Implementation of the Declaration on the Granting of Independence to Colonial Countries and People (Territories not covered under other agenda items) (continued)

Hearing of petitioners (continued)

1. **The Chair** said that, in line with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table, and all would withdraw after making their statements.

Question of the Turks and Caicos Islands (A/C.4/72/6)

2. **Mr. Roberts** (Turks and Caicos Forum) said that the Turks and Caicos Islands had recently been devastated by two hurricanes within a fortnight, with 75 per cent to 90 per cent of homes and businesses destroyed on the major islands. There was an acute food and water shortage, and businesses, including hotels, were only slowly reopening. Given that the Turks and Caicos Islands had been colonial appendages of the United Kingdom since the late 1700s, the British Royal Marines and other military personnel had been assisting with recovery by maintaining law and order, helping with clean-up, and providing food and water. The British must be commended for such actions, especially since they had been woefully absent in the aftermath of previous natural disasters, and had failed to provide any assistance, either physical or financial.

3. The Fourth Committee and the United Nations must give as much assistance as possible to his country, as the Islands were experiencing unprecedented difficulties, many of them due to pervasive negligence on the part of its administering Power. Bodies of illegal immigrants from poverty-stricken neighbouring countries had washed ashore on the Turks and Caicos Islands because the British had neglected to protect the border integrity of his Territory, as called for in the Constitution of the Territory and in agreed international conventions. The Territory had also witnessed an explosion in crime, unchecked by British forces. More than one tourist had been shot and killed, thereby threatening Territorial reliance on tourism.

4. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) asked the petitioner how the control that the administering Power maintained over the political administration of the Turks and Caicos Islands affected their ability to recover from such natural disasters, and to advance towards self-determination more generally.

5. **Mr. Rivero** (Cuba), expressing solidarity with all the Territories that had been affected by the recent

hurricanes, asked the petitioner what the administering Power must do to further assist with recovery efforts.

6. **Mr. Roberts** (Turks and Caicos Forum), responding to the representative of Venezuela, said that after previous natural disasters, the administering Power had generally told his country it was on its own. Britain was, however, currently helping with the recovery efforts, as indicated. Its Government had pledged £32 million pounds for recovery in all its Overseas Territories in the Caribbean the British Virgin Islands, Anguilla and the Turks and Caicos Islands — but that would be woefully inadequate for even one of them.

7. In answer to the representative of Cuba, he explained that his Territory had few resources of its own when dealing with natural disasters and thus had to rely almost completely on the United Kingdom. Because it would still be a lengthy recovery process, the United Kingdom must continue to provide assistance in that regard. It should be noted, in any case, that Cuba was the best source of information about hurricane mitigation efforts in the Western world, and his country was thankful to have learned much from Cuba in the past.

Question of Western Sahara (A/C.4/72/7)

8. **Mr. Lecoq**, speaking in his personal capacity as a Deputy in the French National Assembly, said that as the last colonized Territory in Africa, Western Sahara had entrusted its future to the United Nations when it had agreed to the 1991 ceasefire between the two parties to the dispute. Since then, however, the Territory had fallen victim to the inertia of the United Nations system and to realpolitik. The most cynical explanation for international hesitation was that the situation was beneficial to Morocco, which continued to exploit the subsoils and fishing resources of the Territory. Certain large multinational corporations were also complicit, taking advantage of the uncertainty to pillage resources for profit. The Court of Justice of the European Union had ruled against the Moroccan exploitation of Western Saharan resources in December 2016 but many products from the Sahara still circulated in Europe.

9. Independent experts had confirmed that Sahrawi political prisoners had been arbitrarily imprisoned and subject to degrading treatment and torture by Moroccan authorities. The situation of chronic injustice and mass unemployment among the Sahrawi population, coupled with the neighbouring instability in the Sahel region and deplorable living conditions in the refugee camps in Algeria, could easily cause the situation to tip over into violence. The United Nations could not, therefore, abstain from action. He called upon all countries,

including France, to respect United Nations resolutions so that the people of Western Sahara could achieve freedom and equality.

10. **Mr. Vaccari** (Italian Senator and member of the Parliamentary Intergroup of Solidarity with the Saharawi People) said that his group sought to raise awareness in Italy about the human rights violations committed against the Sahrawi people in Western Sahara and to promote support for their right to self-determination.

11. Morocco, having raised countless obstacles in the past to the referendum on Western Sahara, continued to perpetrate human rights abuses against its people. Its violations had been documented by independent observers such as Amnesty International and the Robert F. Kennedy Human Rights Foundation, despite a media blackout designed to avoid international scrutiny. In addition, Morocco persisted in illegally exploiting the natural resources of Western Sahara in violation of the Sahrawi people's sovereign rights, often doing so in complicity with foreign entities.

12. The world must not legitimize the status quo and must reject the illegal military occupation by Morocco. In 2015, an Italian parliamentary coalition had visited the Tindouf refugee camps and had witnessed first-hand the atrocious living conditions. It was hoped that the Secretary-General and his Personal Envoy for Western Sahara would help to restart dialogue between the parties involved.

13. **Mr. Bazaid** (Projektgruppe Westsahara), speaking as a journalist, a human rights activist and a Sahrawi, said that the people of Western Sahara had suffered human rights abuses for almost 37 years under Moroccan occupation. The number of human rights violations committed by Moroccan police officers, such as those against the Gdim Izik protestors, was increasing, according to Human Rights Watch and Amnesty International. The Secretary-General and the international community must take immediate action to stop such ongoing violations in the occupied Territory.

14. The decolonization process was not complete: although the Sahrawi people had placed their faith in the United Nations, they were still waiting for a referendum on self-determination. The United Nations must extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) so that it could address human rights abuses within the occupied Territory. It must also hold the promised referendum. Morocco should release all Sahrawi political prisoners and stop its exploitation of natural resources in Western Sahara.

15. **Mr. Fall** (Natural Resources Watch) said that Morocco in its occupation of Western Sahara was pursuing an economic policy based on short-term gain, thereby turning Sahrawis into a minority in their homeland. They were severely underrepresented in such local industries as fisheries, agriculture and phosphate mining, as either participants or beneficiaries. Those industries were operated and subject to military oversight by Morocco, in conjunction with a host of foreign companies that reaped enormous profits. After 40 years of occupation, the Territory had no universities and only two hospitals, and the vast majority of medical professionals and educators were Moroccan.

16. Thanks to the generosity of Algeria, the Sahrawis in the refugee camps had been able to lead their lives with dignity. However, many of the people's best and brightest in the Territory had been detained in Moroccan prisons for political reasons, their fate unknown. Most voters in the Moroccan-run elections in the Territory, which in any case were prohibited under international law, were Moroccan settlers. If there were indeed dozens of Sahrawis who would voluntarily choose to become Moroccan, the remainder should be allowed to decide for themselves. The occupying Power was the clear beneficiary of the ceasefire with the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario). The Security Council must either set a date for the referendum or allow the Sahrawi people to claim its right to independence in terms that the occupier would understand, be it peacefully or by force.

17. **Mr. Barakat** (Algerian-American Association) said that the armies of successive colonial Powers had enslaved, plundered and oppressed the wretched, defenceless Sahrawi people, whose only desire had been to live with dignity. The relationship between Western Sahara and its current occupying Power, Morocco, had been a repressive one, as the Committee's visiting missions to Western Sahara had been able to attest. Since Morocco had the upper hand, it was manipulating the peace process, spreading falsehoods, biding its time and ultimately thwarting the Organization's attempts to resolve the conflict peacefully and defend the oppressed Sahrawi people. The Sahrawi side remained the only party to the conflict that had willingly and consistently sought dialogue as a first choice and that had avoided taking any action that might hinder the United Nations mandate. It was therefore incumbent upon the United Nations to resolve the question of Western Sahara with the same zeal it had demonstrated in countless other situations, taking the strong moral stance needed.

18. **Mr. Yara** (Western Sahara IT) said that Morocco was illegally occupying Western Sahara and had killed and abused many Sahrawis during its occupation. As a

Sahrawi, he could attest that the Government had deliberately targeted young children with a view to changing their views of their own history. It had also prevented the media from reporting on abuses against the Sahrawis by jailing journalists and human rights activists.

19. The people of Western Sahara had been promised a referendum which had never happened. In the meantime, Morocco had divided families and exploited all of the region's natural resources, including phosphate, fish and sand. Its Government had lobbied many governments and bodies, including the United States and the African Union, in order to reduce support for the Sahrawi people. International lawmakers and the United Nations had done nothing to prevent yet another generation from perishing: a referendum was urgently needed.

20. **Mr. Roa** (Going Organic Western Sahara) said that on a visit to the refugee camps in 2014 in connection with an organic gardening project in Smara, he had concluded that the Sahrawis lacked the essential freedom to choose their own path and to speak without their lives being in danger.

21. The violent actions taken against Sahrawi activists, most notably the Gdim Izik protestors, were cruel, unfair and largely politically motivated. Independent international observers had remarked on the extremely harsh prison sentences given to protestors and decried the lack of sufficient evidence.

22. Efforts designed to achieve economic development were currently hindered by the lack of opportunities afforded the Sahrawis, placing them at a disadvantage in the global economic market. The constraints upon them were, in fact, visible in all facets of society.

23. The United Nations must undertake a new visiting mission and shift its strategy towards a more effective peacebuilding process. The lack of media coverage given to the question and of attention from the international community was astonishing. The Sahrawi people should be given the chance to work towards a prosperous future and to heal from the wounds of the past.

24. **Mr. Lygeros**, speaking in his personal capacity as a university professor, said that no dictatorship could truly represent its people, as representation must be freely selected. From its inception, the Frente Polisario had exhibited no desire to truly represent the people of the Sahara, instead using that claim as a pretext for exploiting financial and diplomatic resources. As an entity, the Frente Polisario was an ideological

misconception. It had become increasingly clear that it did not care about the region's inhabitants; its main function now was to create local friction and to destabilize the region as a whole. The Saharan people had long ago stopped expecting anything from the Frente Polisario, which would never have been viable without its hidden funding. The people, who were already free as inhabitants of Morocco's southern provinces, had their own representatives who did not have anything to do with the Frente Polisario.

25. The fact that Morocco had rejoined the African Union pointed the way towards a specific, viable solution. The Frente Polisario was a relic of the past, and the people of the Sahara would be free only when the Frente Polisario ceased to exist.

26. **Mr. Lakhrif** (Member of the Moroccan House of Councillors) said that he had been elected to the Moroccan Parliament by the voters of Laayoune, who expected him to speak for them in a democratic and transparent fashion. Having himself been born and bred in the Sahara, he had the right to represent the Saharan people. The so-called leaders of the Frente Polisario could not speak for the Saharan people, for no one had ever elected them. The Frente Polisario did not represent him, the Saharan people living in the Moroccan Sahara or those living in the Tindouf camps.

27. The Moroccan autonomy initiative of 2007, which the international community had recognized as viable and credible, offered the best solution to the Saharan dispute and would put an end to the suffering of the families in the Tindouf camps. It would also guarantee that those Saharans could fully enjoy their rights and lead lives of dignity, returning to their country and contributing to new development projects in the region.

28. **Mr. Jensen** (Former Special Representative of the Secretary-General for Western Sahara and Head of the United Nations Mission for the Referendum in Western Sahara (MINURSO)) said that after years of inaction, much had changed in the previous 18 months. There had been a growing threat of armed conflict in the region and beyond. The confrontation between Morocco and the Frente Polisario in the buffer zone at Guerguerat had seemed poised to become violent, and had been defused only after months of negotiations and pressure from both the Secretary-General and the Security Council. Another new development had been that in 2017, Morocco had rejoined the African Union after 33 years and renewed its commitment to Africa.

29. The recently appointed Secretary-General had issued an unusually comprehensive and compelling report (S/2017/307) that was fully informed on the relevant issues, including the failure to conduct a census

in the refugee camps. The report had been followed by unanimously adopted Security Council resolution 2351 (2017) on the subject. As both the report and resolution emphasized, the negotiating process must be imbued with a new spirit, aimed at reaching a mutually acceptable political solution, including agreement on the nature and form of the exercise of self-determination. Algeria and Mauritania must contribute to the process. The Secretary-General had appointed a new Personal Envoy for Western Sahara to help restart talks.

30. It was pointless to resurrect old settlement plans or repeat the same arguments. A genuinely new spirit of compromise must prevail, accompanied by a willingness to explore what options there could be following the regional autonomy plan proposed in 2007. The preferred positions of either side would not be accepted: compromise was inescapable and inaction was dangerous. It was the moment for political leaders to show themselves to be statesmen, and for the Committee to encourage that to happen.

31. **Mr. Haidara** (Fédération mondiale des amis du Sahara marocain) said that the efforts made by Morocco over four decades to resolve a regional conflict that dated back to the Cold War era had culminated in its autonomy plan for the Sahara region, which had been welcomed by the United Nations and benefited the local population. In particular, its subsequent advanced regionalization initiative aimed to improve the socio-political and economic conditions of the local population and was based on its full participation. The Moroccan Government would invest over \$8 billion under its new development model for the southern provinces, from 2016 to 2020, making them a hub between Africa and Europe. Significant electoral turnout among Moroccans in the southern provinces attested to their support for government measures and to their defence of the territorial integrity of Morocco. The Saharan question should be approached not simply as a Moroccan issue but primarily as one of guaranteeing the integrity of an African population, alongside efforts to promote democracy and the rule of law. It was time to put an end to the futile diplomatic and political dance around the so-called question of Western Sahara, which had been none other than the Moroccan Sahara since the dawn of time, as demonstrated by the culture and customs that the people of the region shared with the rest of the country. His organization stood ready to thwart any attempt to undermine the territorial integrity of Morocco.

32. **Mr. Razama** (Mayor of El Marsa, Laayoune), speaking as Chair of the Committee on Foreign Affairs and Defence of the Moroccan Parliament, said that the

return of Morocco to its rightful place in the African Union had ended a bitter 38-year standoff, during which the country had protested the organization's recognition of the so-called Saharan Arab Democratic Republic, in violation of African Union instruments. In July 2016, a majority of African Union member States had called for the Union to suspend the membership of the so-called republic. At the African Union Summit in January 2017, 47 of 54 African States had endorsed the unconditional resumption by Morocco of its membership. The few nations opposing Moroccan membership were fully aware that its return to the African Union would mean that the days of the spurious republic's membership were numbered. To date, only 32 States Members of the United Nations, most of them authoritarian regimes and with not a single major Power among them, recognized the fictional Saharan republic, and the vast majority of African States supported the abrogation of its African Union membership. The fallacies must end.

33. **Mr. Postiglione**, speaking in his personal capacity as a freelance journalist, said that a number of cases highlighted in a book he had recently published illustrated how the Western Sahara dispute and the Frente Polisario might contribute to destabilizing the entire Sahara. The Frente Polisario appeared unable to prevent mobsters and jihadists from infiltrating some of the camps under its control, while Sahrawi young people, poor and disillusioned with the corrupt Frente Polisario establishment, were being seduced by the jihadist discourse against corruption. The kidnapping, for instance, of an NGO worker at Frente Polisario headquarters, where she should have been safe, indicated that links might exist between Frente Polisario officials and jihadist armed groups operating in the region between Mali and Algeria. Moreover, the 2010 arrest by Mauritanian police officers of drug traffickers included one individual suspected of being the link between the Frente Polisario, Al-Qaida in the Islamic Maghreb and major smuggling networks. All the evidence seemed to indicate that the Frente Polisario was losing its much-touted ability to remain impervious to terrorist infiltration as a result of the changing political landscape, the loss of economic support under Qadhafi and the omnipresence of Islamic fundamentalist movements.

34. **Ms. Ramos** (American Association of Jurists) said that Western Sahara was a Non-Self-Governing Territory illegally occupied by Morocco since 1975. As a colonized people, the Sahrawis had the inalienable right to exercise self-determination, on the basis of the Declaration on decolonization. The International Court of Justice had in an advisory opinion at the time rejected the sovereignty claims made by Morocco over the

Territory; and various legal opinions on Western Sahara issued in the ensuing decades by the United Nations, the African Union and the Court of Justice of the European Union had condemned the exploitation of the natural resources of Non-Self-Governing Territories without the consent of their people as a usurpation of their legitimate rights. Her organization endorsed the 1990 United Nations Settlement Plan for Western Sahara, and decried both the human rights violations to which Sahrawi political prisoners were subjected in the Territory and the humanitarian situation of the 160,000 inhabitants of the Tindouf refugee camps.

35. **Mr. ben Abdelayachi Heiba** (Chambre de la pêche maritime Atlantique-Sud) said that the previous month, a 90-year-old enslaved man had died of severe dehydration in unclear circumstances in the Tindouf camps after a life of servitude, discarded by the family in whose service he had toiled. A courageous Saharan journalist who had met the elderly man two months earlier had related the incident in an attempt to break the silence surrounding it. It was odd that such tragedies were commonplace in a society of revolutionaries and that they typically met with apathy because the victim was black and no longer of any use to his masters. The spread of slavery in the Tindouf refugee camps had been denied by the Frente Polisario, whose routine response to such allegations consisted of distortions and outright lies.

36. White-skinned residents of the Tindouf camps neither greeted nor sat at the same table with black-skinned residents, to whom they referred pejoratively, and slave-owning fathers bequeathed their slaves to their sons. Moreover, slaves were freed by means of an official document signed by the so-called Ministry of Justice of the Frente Polisario. The elderly slave who had died of thirst was first and foremost a human being worthy of respect regardless of the colour of his skin and a Saharan citizen with rights. There had to be an investigation to ascertain the causes of his death and to expose the existence of slavery in the Tindouf camps. The high-ranking Frente Polisario officials and their entourage should show some shame when holding forth about human rights and equality in international forums.

37. **Ms. Bossoula** (Association Femme) said that the previous month, a resident of the Tindouf refugee camps had written a letter to the so-called Sahrawi Red Crescent requesting an explanation for the refusal to grant camp residents refugee cards. According to the letter, a group of Saharan young people, sent to South America by the Frente Polisario to study and receive military training, had sought asylum at an airport in Spain but had been rejected by the Spanish authorities. The Frente Polisario considered their asylum request to

be an act of rebellion. The letter indicated that the young people seeking asylum in Spain would have been spared the restriction on their movement and the humiliation had they been granted refugee cards, which would have conferred United Nations protection upon them.

38. In order to have refugee cards issued to the camp inhabitants, it would be necessary to conduct a census of the camp population, a measure recommended by the United Nations and one insisted upon by Morocco. However, the Frente Polisario and its masters categorically refused to open the doors of the camps to the Office of the United Nations High Commissioner for Refugees (UNHCR) to conduct the census because the actual population was far smaller than the number reported in requests for international aid, making it possible to profit from the sale of aid outside the camps. Moreover, declaring the real number of camp residents would further undermine the legitimacy of the Frente Polisario's claim to be the sole representative of the Sahrawi people. Refugee cards would allow freedom of movement, a prospect that frightened the Frente Polisario. The real culprit behind that peculiar state of affairs was not the Frente Polisario but Algeria, which hosted the refugee camps.

39. **Mr. Biagioli** (Mayor of Calenzano, Italy), speaking on behalf of some 300 Italian institutions that had signed a friendship pact with the Sahrawi Arab Democratic Republic, said that the Sahrawi people as a whole had been deprived of the right to self-determination, and some were relegated to the Tindouf refugee camps in overcrowded, unsanitary conditions. The proximity of Western Sahara to smuggling routes and areas in which transnational terrorist groups operated only made matters worse in an already volatile region. The security considerations were therefore just as pressing as the decolonization issue. The United Nations Settlement Plan had offered a viable solution by providing for a referendum that would allow all the people of Western Sahara to choose their political future. However, they had awaited the Security Council-endorsed referendum for over three decades, waging a remarkably peaceful struggle for their rights, unlike the country that maintained a 270-kilometre mined berm in the Territory.

40. Western Sahara remained in need of a lasting diplomatic solution. The current stalemate undermined the prestige of international institutions and constituted a defeat of international law, which must be respected if global peace was to prevail. The time had come to engage with the Security Council in order to resolve the matter in accordance with the Charter. A new approach could be found by considering the question of Western Sahara under Chapter VII of the Charter instead of

Chapter VI, taking action with respect to breaches of the peace and acts of aggression. He looked forward to the day when the Sahrawi flag would fly at the United Nations.

41. **Mr. Leite** (International Platform of Jurists for East Timor), speaking also on behalf of the Stichting Zelfbeschikking West-Sahara, said that numerous international law experts considered the cases of Timor-Leste and Western Sahara to be strikingly similar. Several Timorese leaders had voiced their solidarity with the Sahrawi cause. At the twenty-fifth anniversary conference of the International Platform of Jurists for East Timor, the former head of the Timorese resistance against the Indonesian occupation of Timor-Leste had affirmed that it was only a matter of time before Western Sahara was liberated. The Court of Justice of the European Union had also expressed strong support for that cause in a recent decision highlighting that the status of Western Sahara was separate and distinct from that of Morocco. Welcoming the forceful statement made recently before the plenary Assembly by the French President in favour of respect for the rule of law, human rights and international humanitarian law, he expressed the hope that MINURSO would be capable of monitoring the human rights situation in the Territory.

42. **Mr. Bessedik** (Algeria) asked for more information on the commemoration of the twenty-fifth anniversary of the International Platform of Jurists for East Timor.

43. **Mr. Leite** (International Platform of Jurists for East Timor) said that the commemoration had taken place in the Portuguese Parliament and that two parliamentary Vice-Presidents had expressed important words of support for the Sahrawi cause.

44. **Mr. Romero** (Total News), speaking as a journalist and an international relations and security expert for his Argentine news agency, said that the refusal by the Frente Polisario and the Algerian authorities to conduct a census of the Sahrawi population in the Tindouf refugee camps, as recommended by UNHCR, was clearly motivated by the illegal profit derived by Frente Polisario leaders from overestimating the number of Sahrawis and systematically diverting humanitarian assistance. The misappropriation of humanitarian aid by the Frente Polisario leadership with impunity had been documented and condemned by UNHCR, the World Food Programme and a host of other organizations. The recent report of the European Anti-Fraud Office (OLAF) had exposed the diversion of aid perpetrated jointly by the Frente Polisario and the Algerian Red Crescent; most of the aid was stored, redistributed and sold in sub-

Saharan African markets, and the proceeds of those sales, along with humanitarian monetary assistance from the European Union, had been used by corrupt Frente Polisario leaders to purchase weapons and real estate for themselves, while the camp population lived in subhuman conditions. He therefore urged the United Nations to denounce such gross mismanagement of humanitarian aid, demand that the Tindouf refugee camps open their doors to UNHCR delegations so that they could conduct a reliable census of the Sahrawi population and also oversee the creation of mechanisms to monitor the allocation of humanitarian assistance.

45. **The Chair** reminded petitioners that they must refrain from mentioning countries that were not on the agenda.

46. **Ms. Daoudi** (Sahara Media Centre) said that the so-called human rights violations in the Sahara served as the basis for the endless war waged against Morocco by the Frente Polisario and its sponsors. Their most recent propaganda campaign consisted of a barrage of lies concerning the Gdim Izik detainees. The depiction of those detainees as political prisoners omitted crucial details, namely, that the prisoners had slit the throats of 11 unarmed security forces, all young men in the prime of their lives, at the Gdim Izik camp and desecrated the soldiers' remains by bashing in their skulls and urinating on their corpses. Moreover, sizable weapons caches had been found in the possession of the assassins whom the Frente Polisario and its sponsors had characterized as mere peaceful demonstrators. She wondered whether the Frente Polisario would have the courage to explain the heinous murders of those 11 young men to the families they had left behind.

47. **Mr. Bessedik** (Algeria), noting with concern the unacceptable language used by the previous petitioner, said that his delegation hoped that the remaining petitioners would use language appropriate for United Nations proceedings.

48. **Mr. Sánchez Álvarez Castellanos** (Fenec-Design), speaking in his capacity as a former humanitarian aid worker, said that he had come before the Committee to denounce from personal experience the systematic and continuing diversion by Frente Polisario leaders of public funding for humanitarian projects in the Tindouf refugee camps. He named high-ranking Frente Polisario officials, unfortunately abetted at times even by two prominent Spaniards involved in development cooperation, who had been implicated in the lucrative industry of diverting monetary and food aid that had been donated on the basis of inflated numbers of beneficiaries; and a number of projects for which funding had been allocated had not been carried out. As

a director for years of a Spanish NGO financing school-related and agricultural projects in the camps, he himself had witnessed aid being diverted to pay Frente Polisario officials in cash and to fund their conferences. They had also devised a way to make a good profit from a scheme to send camp children on vacation outside Tindouf.

49. A more recent opportunity to travel throughout the southern provinces of Morocco as a photographer, and his subsequent decision to live permanently in Laayoune, had enabled him to observe first-hand the true situation of the Saharan population, who, for the most part, enjoyed a high standard of living under Moroccan rule, reaping the benefits of the Government's social policies in the region. Notwithstanding the fallacies propagated abroad by the Frente Polisario regarding human rights violations in the Sahara, it would ultimately be up to the Saharans to determine the future of the southern provinces of Morocco.

50. **Ms. Hammi** (Association Liberté et Fraternité) said that Morocco was fully convinced that the Sahara was its land and would not relinquish it at any cost. Nevertheless, Morocco had made painful concessions and sought reconciliation with its adversaries in the hope of finding a way out of the conflict. Several major Powers and the Security Council had welcomed the serious and credible proposals by Morocco to advance a settlement. The Frente Polisario was merely a tool controlled remotely by another Power. The question of the Sahara was so difficult to resolve because that Power rejected any solution that did not lead to the region's independence, determined as it was to achieve its strategic objectives, namely, to expand its borders, to secure a window on the Atlantic and to strangle and weaken Morocco, thereby becoming the only unrivalled Power in the region. The identity of the Power responsible for arming, funding, training and speaking on behalf of the Frente Polisario was known to all: it was Algeria.

51. **Mr. Mrabih Rabou** (Association Amis de Tarfaya) said that over the previous four years, the Moroccan Government had designed numerous development plans for the Sahara region to meet the needs expressed by its local population and their representatives. As a result, poverty had declined in the Sahara twice as quickly as it had at the national level, standing now at 6.5 per cent. It was a common misconception that Morocco was illegally exploiting the natural resources of the Sahara region without involving the local population or investing in the region. In financial terms, Morocco had invested far more than it had received from its exploitation of natural resources in the Sahara. Moreover, those activities fully involved

and benefited the local population. Since rejoining the African Union, Morocco was moving forward with new development plans aimed at promoting the Sahara as an economic hub and a link between Morocco and the rest of the African continent, restructuring the exploitation of natural resources and investing in the creation of industrial complexes for fertilizer production, airports, roads and new towns with technologically advanced industrial facilities. Those projects would contribute to further reducing unemployment and illiteracy. As the general manager of a successful local company that employed over 70 Saharan employees, he personally attested to the fact that the successful implementation of regional development strategies hinged on the local population's productive contribution and expertise.

52. **Mr. Gil Garre** (International Security Observatory) said that terrorist activity by groups such as Islamic State in Iraq and the Levant (ISIL) and Al-Qaida had been intensifying in the Sahelo-Saharan region, and terrorist infiltration of the Frente Polisario was of particular concern. Characteristically abject methods of jihadist terrorism had been used in the notorious murders of 11 Moroccan public servants, whose throats had been slit and their bodies desecrated after their deaths, by Frente Polisario activists during the Gdim Izik camp revolts. In such an unstable context, there was a possibility of a return by the Frente Polisario to armed conflict. Jihadists would encourage and hijack such a conflict to further their own worldwide criminal ideology. It was imperative for the United Nations to take effective action in order to avoid such an escalation. In his view, all the parties involved wanted a solution to the Western Sahara dispute, which had been an artificial contrivance from the start; and if they reflected on the security situation they might find areas of common ground that could then underpin a larger resolution. Furthermore, Morocco had proposed a serious and credible autonomy plan, which provided a good basis for such an effort and for the social, economic and cultural development of the region that would be the best safeguard against outside violence.

53. **Mr. Zardini**, speaking in his personal capacity as an Argentine academic and economist, said that the Frente Polisario was conducting a disinformation campaign by convincing world opinion that Morocco was exploiting the natural resources of Western Sahara in contravention of international law and the interests of the local population. Yet Morocco was not an occupying Power since the southern provinces in the Sahara had historically been recognised as part of its territory. Thus, as a sovereign State, Morocco had an obligation under international law to set an economic strategy and a resource exploration policy for the benefit of all

Moroccans. Far from exploiting the region, Morocco had defined a development programme for the southern provinces and had invested large sums of money in order to overcome the region's colonial legacy of underdevelopment. In the meantime, the Frente Polisario was exploiting the suffering of Saharan refugees in the Tindouf camps to fuel a propaganda campaign intended to stall the attainment of a political solution.

54. **Ms. Chávez Cossío**, speaking in her personal capacity as a Peruvian academic, said that the Moroccan autonomy proposal for Western Sahara would be the best basis for achieving a definitive solution and that Morocco was the most legitimate representative of the Sahrawis for four reasons. First, demographically, most of the Sahrawis lived in Moroccan Sahara, with a small proportion being held as hostages by the Frente Polisario in the Tindouf camps in Algeria. Secondly, other than Morocco, no one was entitled to represent the Sahrawis. The spurious Sahrawi Arab Democratic Republic proclaimed by the Frente Polisario and based in Algeria lacked any of the attributes of a sovereign nation and was not internationally recognized as such. As for the Frente Polisario itself, it was not recognized in United Nations resolutions as a national liberation movement or the sole legitimate representative; and the Court of Justice of the European Union had recently ruled against a claim by the Frente Polisario on the basis that it had no legal standing to represent the Sahrawi people. Thirdly, only Morocco had steadfast historical and legal ties with the Sahara region, as confirmed in an advisory opinion of the International Court of Justice; it was indeed Morocco that had called for its decolonization by Spain, long before the creation of the separatist Frente Polisario. Fourthly, Moroccan Sahara participated in the country's democratic elections.

55. **Mr. Cameron** (World Action for Refugees) said that it was essential to conduct a credible census to establish, once and for all, the true number of detainees in the Tindouf camps. For over 40 years, there had been multiple calls for such a census from UNHCR, the European Union and a string of NGOs yet the parties in control had refused. He suggested that the inflated numbers being put forward gave the Frente Polisario greater political legitimacy and resulted in larger amounts of aid to be embezzled and resold in commercial markets. Such confirmed racketeering, as well as the diversion even of aid that reached the camps, subverted the international community's ability to offer aid, with potentially catastrophic consequences for the camp population. Moreover, when key players in the conflict tried to conceal the truth, or actively opposed measures that would unveil it, it undermined their

factual credibility altogether; yet facts, not propaganda, were needed to break the current gridlock of suffering.

56. **Mr. Grimblatt Hinzpeter** (Centro de Estudios del Magreb para las Américas), reviewing the history of the question of Western Sahara, said in particular that as soon as Morocco had gained independence it had called for the return of its Saharan region, then colonized by Spain. During the course of the relinquishment of the region by Spain, the International Court of Justice had held that there were pre-existing historical and legal ties between Morocco and the Saharan peoples. Subsequently, however, Algeria had tried to occupy parts of Moroccan Sahara in an attempt to gain Atlantic sea access; thus initiating armed conflict, the creation of the Frente Polisario and the Saharan Arab Democratic Republic, and decades of instability. Morocco had agreed to negotiations with the Frente Polisario under the aegis of the United Nations; but the United Nations Settlement Plan and the projected holding of a referendum to decide the fate of the Territory had foundered in the 1990s owing to the difficulties in identifying those eligible to participate in the referendum. Since 2000, the United Nations had been arguing rather for a negotiated political solution, and in 2007 Morocco had proposed a fair and realistic autonomy plan that was now favoured and had been welcomed by a great many countries.

57. **Mr. Hormatallah** (Association marocaine pour le développement d'Oued Eddahab), speaking as a Saharan citizen of Morocco living in Dakhla, said that the Frente Polisario and its protectors were falsely trying to convince the international community that Morocco was exploiting the wealth of the Sahara region, especially its phosphate and fish resources, when they represented only an insignificant part of the nation's rich fish and phosphate reserves. Instead, via a \$5-billion regional development project, Morocco was investing an amount far superior to the value of the natural resources in the Saharan region. That project was intended to boost development in all sectors, economic, social, cultural and environmental. It also promoted the participation of women in public life and the reintegration of refugees returning from the camps. The project was funding the construction of vital infrastructure, including roads and a university. Morocco saw it as an obligation to invest in the well-being of its entire population, which was the opposite of a colonial approach.

58. **Mr. El Ouali** (Association 9 mars) said that he wished to debunk the lies the Fourth Committee had heard for years regarding the Sahara region to the east of the defensive wall constructed by Morocco to prevent terrorist incursions. The Frente Polisario referred to that

area as the "liberated territories" in an attempt to deceive the people living in the Tindouf camps but, in reality, it was aware that it had not liberated or claimed that territory. If the Frente Polisario had taken that area it would surely have relocated its camps there rather than allowing them to remain on borrowed foreign soil. Yet it had not done so: first, because the Frente Polisario had never been free to make its own decisions and its sleeping partners wanted it to remain in its current location, under their control; and secondly, because the Frente Polisario had not won that land in armed combat. Morocco had voluntarily withdrawn its military presence to place that buffer zone under the control of MINURSO. The truth of the matter was further evidenced by the secret withdrawal of Frente Polisario militias from Gueruerat in April 2017 introduced there illegally shortly before without defending it as its own liberated territory. However, as a Moroccan Saharan he would defend the territorial integrity of the Sahara, which, he pledged, would always remain Moroccan.

59. **Ms. Obenshain** (American Moroccan Alliance) said that, on the basis of her research and observations, the best opportunity for true representation of the Sahrawis was the Moroccan autonomy plan. Morocco had already started implementing the plan: Sahrawi men and women living in Western Sahara within the borders of Morocco went about their daily lives, raised children, got an education, worked for better jobs and participated in self-governance. Yet, many of those very Sahrawis, who felt deep allegiance to Morocco and expressed fear for loved ones who had not escaped the Tindouf camps where torture allegedly took place, as well as many other Sahrawis holding official positions throughout Morocco would be excluded from having a voice in self-determination under the restrictive eligibility requirements of the referendum advocated by the Frente Polisario, even though their heritage was the same as those still living elsewhere in Western Sahara or in the oppression of the camps.

60. **Mr. El Baihi** (Forum Social pour le Développement Humain de Laayoune) said that he had witnessed the embezzlement by the Frente Polisario and its sponsors of humanitarian assistance intended for the Tindouf camp population, having worked in the delivery of aid from ports in Oran to the camps. Camp residents hoped that donor organizations would learn the lessons of those scandals and oversee the direct distribution of aid to its rightful recipients. Fewer than one third of the trucks transporting aid reached the camps, while the remaining two thirds were redirected to other destinations. Frente Polisario leaders would seize the best of the aid that did reach the camps and sell the bulk of it on the black market in neighbouring countries. The

remainder was then distributed to segments of the camp population on the basis of such unjust standards as tribal affiliation, ties to Frente Polisario leaders and allegiance to camp officials. Obtaining even a modest share of aid involved bargaining, extortion and pressure, all used by Frente Polisario officials to punish anyone who had the temerity to oppose their policies.

61. The publication of the OLAF report exposing embezzlement had not put an end to the fraud, as evidenced by the recent scandal involving a prominent Spanish researcher and advocate of the so-called Sahrawi question who had stolen over 700,000 euros allocated to implement development projects in the Tindouf camps. The camp population was tired of reports and promises and needed the General Assembly to take a firm stance against such abuses. In closing, he stressed that the Sahara was and would remain an integral part of Morocco and its heritage.

62. **Ms. Metton**, speaking in her personal capacity as a lawyer at the Paris Bar, said that Morocco was blocking the effective implementation of United Nations principles and resolutions and was preventing the Sahrawi people from exercising their right to self-determination.

63. As defence lawyer for the Gdim Izik political prisoners at their trial in Rabat, she had personally been subjected to the repressive policies of Morocco when she had forcibly been expelled from the courtroom for raising the taboo subject of torture. Recalling the confirmation in 2016 by the United Nations Committee against Torture that one of the Gdim Izik prisoners had been tortured and convicted on the basis of a confession obtained under torture, she detailed the methods of torture to which all her Sahrawi clients had been subjected in one form or another while in prison, ranging from repeated anal rape to nail-pulling, wrist-suspensions, severe beatings, burnings, taunts and threats. The sole goal of torture was to dehumanize and destroy the person, and therefore it was and should be banned everywhere.

64. Moreover, since Western Sahara was, legally, an occupied Territory, any violence committed against the Sahrawi people was a violation of the Geneva Conventions. It was, furthermore, the only Territory on the list of Non-Self-Governing Territories that had no administering Power and the only one to be experiencing such widespread violence against a people engaged in a peaceful struggle. Thus, it was imperative that the United Nations ensure that self-determination took place in Western Sahara in accordance with fundamental human rights and international humanitarian law.

65. **Mr. Dos Santos** (Friends Solidarity of West Sahara in Timor-Leste) said that his own country, Timor-Leste, had, like Western Sahara, fought during long decades of occupation to obtain the people's right to express their will freely through a referendum. Western Sahara, however, remained in a state of incomplete decolonization since Morocco had sabotaged the promised referendum. In the meantime, though not the *de jure* administering Power, Morocco and certain Western countries had been illegally exploiting the Territory's natural resources and should be banned from doing so. Spain, as the former colonial Power, and the United Nations had a duty to ensure that the two parties to the dispute resumed dialogue, complied with the relevant resolutions and allowed the Sahrawi people to exercise their right to self-determination as soon as possible. Without a referendum, the Sahrawi people would remain stateless and some would continue to live in refugee camps where the living conditions could only deteriorate. It was thus urgent for the United Nations to increase its funding to provide decent sanitation, education and health care in the camps. The Committee as well should use its moral authority to fight for the future of the entire Sahrawi people.

66. **Mr. Vargas Osorio** (Observatorio de la Democracia), emphasizing that he was giving his objective expert opinion, said that the United Nations played a unique role in providing a neutral forum where the parties themselves could resolve their differences and their sovereignty would be respected. The United Nations should ensure that the forum not be used as a theatre where voice was given, through spokesmen for the Frente Polisario, to meddling third countries with Marxist ideologies and corrupt dictatorial regimes of their own, who had been inciting an artificial conflict in Western Sahara that should have been resolved decades earlier. Furthermore, Western Sahara did not qualify as a colony, and the question thus did not even belong on the Fourth Committee's agenda. It should be the Security Council, under Article XII, paragraph 1, of the Charter of the United Nations, that sought a definitive solution to conflict there, and the Council should not allow the interference of uninvolved bodies or outside countries. All countries that supported the Frente Polisario were countries where the human rights of the populations were blatantly violated, in marked contrast to the experience of those living in the southern provinces of Morocco, where there was political and economic freedom under the rule of law.

67. **Mr. Mohamed**, speaking in his personal capacity, said that he was proud to hail from the Sahrawi refugee camps in Algeria. The United Nations should not allow speakers plainly telling lies to continue speaking. The

Frente Polisario had been the sole legitimate representative of the Sahrawi people since before Spain left the Territory in 1973. While he was unable to respond to the allegations he had heard concerning racism, theft and the like, he would continue to demand that the Sahrawi people be allowed to exercise its legitimate rights. If the United Nations failed to take the appropriate action to that end, his people would wrest those rights by any means necessary. His was not a declaration of war but rather one of desperation, as Sahrawis had grown weary to the point of abhorring talk of peace and democracy.

The meeting rose at 6 p.m.